

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

285. By the SPEAKER (by request): Petition of Military Order of the Loyal Legion of the United States, favoring replacement of a statue to Lincoln; to the Committee on the Library.

286. By Mr. GILLETTE: Petition of residents of the second Massachusetts district, favoring repeal of 10 per cent tax on yachts; to the Committee on Ways and Means.

287. By Mr. BARBOUR: Petition of Tuolumne Tribe, No. 247, Improved Order of Red Men, Turlock, Calif., favoring the enlargement of the Federal arsenal and military storage depot at Benicia, Calif.; to the Committee on Military Affairs.

288. Also, petition of Golden West Lodge, No. 73, Brotherhood of Railroad Trainmen, Bakersfield, Calif., opposing the sales or turnover tax; to the Committee on Ways and Means.

289. By Mr. BUTLER (by request): Petition of G. A. Wehlheim and others, of Coatesville, Northbrook, Oak Lane, Darby, and Downingtown, all in the State of Pennsylvania, against the passage of the bill creating a bureau for the control of professional licensure in the department of public instruction and against all bills with similar provisions; to the Committee on Interstate and Foreign Commerce.

290. Also (by request), petitions of Mary S. Osborn and others, of Coatesville; Marion E. Collins and others, of Avondale; and Elizabeth McMullen and others, of West Chester, all in the State of Pennsylvania, against the passage of the Capper-Fess education bill; to the Committee on Education.

291. By Mr. DENISON: Petition of various citizens of Herin, Ill., in favor of beer and light wine and opposed to Sunday blue laws; to the Committee on the Judiciary.

292. By Mr. FESS: Petition of sundry citizens of Mechanicsburg, Ohio, favoring the independence of Ireland; to the Committee on Foreign Affairs.

293. By Mr. JOHNSON of Washington: Petition of the First Presbyterian Church, Tacoma, Wash., urging an amendment to the Federal Constitution prohibiting the practice of polygamy; to the Committee on the Judiciary.

294. By Mr. KISSEL: Petition of John Kelly, of Brooklyn, N. Y., favoring freedom of Ireland; to the Committee on Foreign Affairs.

295. Also, petition of the Bank of New York, regarding taxation in the United States; to the Committee on Ways and Means.

296. Also, petition of Lannan & Kemp (Inc.), of New York, favoring a sales tax; to the Committee on Ways and Means.

297. By Mr. LEA of California: Petition of J. W. Preston and others, protesting against reflections of John B. Densmore on Casper A. Ornbaum, made in report on House resolution No. 225, Sixty-sixth Congress; to the Committee on Labor.

298. By Mr. MAGEE: Petitions of Haberle Brewing Co., Thomas Ryan's Consumers' Brewing Co., and Moore & Quinn, all of Syracuse, N. Y., in favor of the repeal of internal-revenue tax now levied on cereal beverages; to the Committee on Ways and Means.

299. By Mr. MANN: Petition of E. J. Steffens, Albert Goltz, John M. Brandenburg, John T. Dickinson, and other citizens of Chicago, Ill., favoring amendment to the prohibition act, etc.; to the Committee on the Judiciary.

300. By Mr. MEAD: Petition of Local No. 76, National Brotherhood of Operative Potters, of Buffalo, N. Y., favoring a tariff on pottery; to the Committee on Ways and Means.

301. Also, petition of East Buffalo Brewing Co., regarding tax on cereal beverages; to the Committee on Ways and Means.

302. By Mr. SINCLAIR: Petition of Garrison Lodge, No. 90, Ancient, Free, and Accepted Masons, Garrison, N. Dak., and Mount Moriah Lodge, No. 51, Williston, N. Dak., favoring the passage of the Smith-Towner bill; to the Committee on Education.

303. By Mr. TAGUE: Petition of Louis C. Pazolt, furrier, of Boston, Mass., concerning proposed tariff legislation; to the Committee on Ways and Means.

304. By Mr. WATSON: Petition of sundry citizens of Willow Grove, Pa., opposing the passage of the Capper-Fess educational bills; to the Committee on Education.

305. By Mr. YATES: Petition of Rosenwald & Weil, Chicago, protesting against the French-Capper bill; to the Committee on Interstate and Foreign Commerce.

306. Also, petition of E. C. Hill, of Chicago, protesting against an excise tax on musical instruments; to the Committee on Ways and Means.

SENATE.

TUESDAY, April 26, 1921.

(Legislative day of Monday, April 25, 1921.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. NORRIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore (Mr. CUMMINS). The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harrell	Moses	Smoot
Ball	Harris	Nelson	Spencer
Borah	Harrison	New	Stanfield
Broussard	Jones, N. Mex.	Nicholson	Stanley
Bursum	Jones, Wash.	Norbeck	Sterling
Calder	Kendrick	Norris	Sutherland
Cameron	Kenyon	Oddie	Townsend
Caraway	Keyes	Overman	Trammell
Colt	King	Phipps	Underwood
Culberson	Knox	Pittman	Walsh, Mass.
Cummins	Ladd	Poindexter	Walsh, Mont.
Curtis	La Follette	Pomerene	Warren
Dial	Lenroot	Reed	Watson, Ga.
Dillingham	Lodge	Reed	Williams
Ernst	McCormick	Robinson	Willis
France	McKellar	Sheppard	Wolcott
Frelinghuysen	McKinley	Shields	
Gooding	McLean	Shortridge	
Hale	McNary	Simmons	

Mr. UNDERWOOD. I desire to announce that my colleague [Mr. HEFLIN] is unavoidably detained from the Senate on public business. I ask that this announcement may stand for to-day and to-morrow.

The PRESIDENT pro tempore. Seventy-three Senators have answered to their names. There is a quorum present.

PETITIONS AND MEMORIALS.

Mr. LADD presented a concurrent resolution of the Legislature of North Dakota, which was referred to the Committee on Commerce, as follows:

Senate concurrent resolution.

A concurrent resolution beseeching Congress to request the Joint International Boundary Commission to take action looking to the solution of the problem of controlling floods in the valley of the Red River in the United States and Canada.

Whereas there are vast problems in flood control and drainage affecting the 110,000 square miles comprising the valley of the Red River in Canada and the United States which can not be solved without cooperation and joint action of these two countries: Be it

Resolved by the Senate of the State of North Dakota (the House of Representatives concurring), That we respectfully and urgently petition Congress to request the Joint International Boundary Commission to call a conference at some city near the international boundary and follow same with such action as will enable the two countries to confine and perfect the necessary desired action relating to the control of the floods of the Red River.

I, W. J. PRATER, secretary of the senate of the seventeenth legislative assembly, do hereby certify that the above concurrent resolution was adopted by the Senate of the State of North Dakota on the 7th day of February, 1921, and was concurred in by the House of Representatives of the State of North Dakota on the same day.

W. J. PRATER,
Secretary of the Senate of North Dakota.

Dated at Bismarck, N. Dak., this 22d day of April, 1921.

Mr. KNOX presented resolutions of the Legislature of Pennsylvania, which were referred to the Committee on Military Affairs, as follows:

OFFICE OF THE SECRETARY
OF THE COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, April 14, 1921.

PENNSYLVANIA, ss:

I do hereby certify that the following is a full, true, and correct copy of the original resolution of the general assembly, No. 4-B, as the same remains on file in this office:

IN THE HOUSE OF REPRESENTATIVES,
April 6, 1921.

Resolved (if the senate concur), That the General Assembly of the Commonwealth of Pennsylvania does respectfully request Congress of the United States to adopt legislation which will provide for retirement privileges for disabled emergency officers of the Army under the same conditions now provided by law for officers of the Regular Army in so far as regards physical disability in line of duty.

Resolved, That the secretary of the Commonwealth forward a copy of this resolution to the President pro tempore of the Senate and the Speaker of the House of Representatives of the United States and a copy to each Member and Senator from Pennsylvania in Congress of the United States.

THOMAS H. GARVIN,
Chief Clerk of the House of Representatives.

The foregoing resolution was concurred in by the Senate April 7, 1921.

W. P. GALLAGHER,
Chief Clerk of the Senate.

In testimony whereof I have hereunto set my hand and caused the seal of the secretary's office to be affixed, the day and year above written.

[SEAL.]

FREDERIC A. GODEFRUES,
Deputy Secretary of the Commonwealth.

Mr. WALSH of Massachusetts presented resolutions of the Legislature of Massachusetts, which were referred to the Committee on Military Affairs, as follows:

THE COMMONWEALTH OF MASSACHUSETTS,
OFFICE OF THE SECRETARY,
Boston, April 25, 1921.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SIR: As directed by the house of representatives of this Commonwealth, I take pleasure in sending herewith a copy of an order adopted April 25, 1921, urging upon Congress the confirmation of Gen. Clarence R. Edwards as a major general.

Very respectfully,

F. W. COOK, Secretary.

THE COMMONWEALTH OF MASSACHUSETTS,
HOUSE OF REPRESENTATIVES,
Boston, April 25, 1921.

Ordered, That the House of Representatives of the General Court of Massachusetts believes that it voices the opinions and wishes of the people of Massachusetts, and of Massachusetts veterans of the World War, in urging upon the Senate of the United States the wisdom and justice of confirming the appointment of Clarence R. Edwards as a major general in the Army of the United States; and be it further

Ordered, That copies of this order be sent by the secretary of the Commonwealth to the Vice President of the United States and to the Senators in Congress from Massachusetts.

JAMES W. KIMBALL, Clerk.
OFFICE OF THE SECRETARY,
Boston, April 25, 1921.

A true copy.
Witness the great seal of the Commonwealth.
[SEAL.]

F. W. COOK,
Secretary of the Commonwealth.

Mr. ROBINSON presented three memorials signed by sundry citizens of Searcy County, Ark., remonstrating against the enactment of legislation placing a tariff on coal-tar products used in the manufacture of dips and disinfectants, which were referred to the Committee on Finance.

Mr. TOWNSEND (for Mr. NEWBERRY) presented a petition of the Women's University Club, of Grand Rapids, Mich., praying for the enactment of legislation creating a department of education, and also for the protection of maternity and infancy, which was referred to the Committee on Education and Labor.

He also (for Mr. NEWBERRY) presented memorials of Mineral King Lodge, No. 129, Brotherhood of Locomotive Firemen and Enginemen, of Escanaba, and United Brotherhood of Maintenance of Way Employees and Railway Shop Laborers, of Detroit, both in the State of Michigan, remonstrating against the enactment of legislation repealing the excess profits tax law and substituting therefor a sales or turnover tax, which were referred to the Committee on Finance.

He also (for Mr. NEWBERRY) presented 64 memorials signed by sundry citizens of the State of Michigan, remonstrating against the enactment of legislation placing an excise tax upon eyeglasses and spectacles, which were referred to the Committee on Finance.

DEAD AMERICAN SOLDIERS IN FRENCH CEMETERIES.

Mr. LODGE. Mr. President, I present a letter from Dr. Richard D. Harlan, president of the general board of education of the Presbyterian Church, and request that it be printed in the Record, with the accompanying letters appearing in a newspaper.

There being no objection, the letters were referred to the Committee on Military Affairs and ordered to be printed in the Record, as follows:

GENERAL BOARD OF EDUCATION OF THE
PRESBYTERIAN CHURCH IN THE U. S. A.,
New York, April 15, 1921.

DEAR SENATOR LODGE: There seems to be good reason for suspecting that some people connected with the undertaking profession are, for their own financial advantage, making merchandise of the natural desire of many of the parents of our American soldiers whose bodies are now resting in the American cemeteries near the battle fields of France that our American dead should be brought back to this country.

To most people who are thinking straight on that sacred subject it would seem a pity for our Government to encourage that desire. And such people are grateful to Theodore Roosevelt's family for the wise example set by that family to other "gold-star" parents, by insisting that the body of Quentin Roosevelt shall remain in the sacred soil of France, where he fell in the great struggle for the liberty of the world.

The inclosed impressive letters from Owen Wister and Thomas Nelson Page, which appeared in the New York Times of to-day, ought to be read by every Member of Congress. I therefore hope that they may be printed in the CONGRESSIONAL RECORD.

Yours, respectfully,

RICHARD D. HARLAN.

"PLEAD FOR OUR DEAD IN FRANCE—OWEN WISTER AND THOMAS NELSON PAGE URGE THEY BE LEFT IN HONORED PEACE—APPEALS TO THE LEGION—WISTER TELLS OF DESECRATION THAT WOULD SHOCK MOTHERS IF THEY COULD SEE IT.

"(Copyrighted 1921, by the New York Times Co. Special cable to the New York Times.)

"PARIS, April 14.

"The following letters have been addressed to the New York Times Paris bureau:

"To the AMERICAN LEGION:

"Since the beginning of February I have been visiting the battle grounds of France. Taking my time, I have journeyed from Lille and Lens and Arras to St. Mihiel and Pont-à-Mousson. The ruins of Albert and many hundreds of other towns are sad to see. Dead forests and fields where nothing grows yet are also sad to see. But for an American even sadder yet is the sight of our cemeteries, from whose peaceful, decent dignity the bones of our soldiers who fought together and fell together in France are being daily torn up.

"The other day on my way to visit Quentin Roosevelt's grave I stopped at the American cemetery near Nesles. In smooth turf and among white crosses gaped ugly holes. Out of these holes were being dragged—what? Boys whom their mothers would recognize? No! Things without shape, at which mothers would collapse.

"HOW THE DEAD WERE BURIED.

"Our dead had to be buried quickly. There were no coffins—there could be none. Bodies were sometimes wrapped in blankets and sometimes put in baskets. Mud has filled these baskets and in winter has frozen to a hard cake. Those who take this mass up often place the basket on top of a stove to melt the mud off and find something left to send to America. This something can not be embalmed. It is sprinkled with disinfectant and shipped to Hoboken. Those who sprinkle never embalmed in their lives. They came from slums and anywhere, and they look it.

"Piles of these poor fragments of human beings lie at Hoboken unclaimed. They have been dragged from the soil their sacrifice made sacred and where, as an honored and cared for company, they lay in peace, their graves tended, their memory historic and precious to France. Now many go to Potter's field. Such as are claimed and taken to some family graveyard will soon be forgotten. Those who mourn them will be dead, too. Had they been left in France they would have been cherished as long as France endures.

"No mother could come to France and see where her boy lies and not be comforted and thankful he is there. But exploiting mothers' grief to put money in certain pockets goes on.

"Three weeks ago I saw our great cemetery at Romagne. Its grass was green, its crosses white. Peace and beauty filled it. In mid May 40 per cent of those dead are to be dragged up, and Romagne will look like an old mouth, half teeth, half gums.

"Can nothing stop this hideous mockery of the living and the dead?

"(Signed.) OWEN WISTER."

"PLEA OF THOMAS NELSON PAGE.

"A letter from Thomas Nelson Page reads:

"I have just returned from a visit with friends to the former front, and among the strong impressions made on us all in that never-to-be-forgotten region where the destinies of the world were fought out was the proof of the part that America performed in the titanic struggle, given in cemeteries where American boys lie in serried ranks along the battle lines.

"No more impressive tribute to American valor and American love of freedom can be imagined than these cemeteries. Nearly everyone speaks of it. Some are large, some are smaller, but wherever they are one thrills at the sight of those lying there, with a thrill that nothing else gives.

"The first one we saw was at Belleau Wood, beside Chateau-Thierry, where the men lying there and their comrades first stopped what appeared to be an irresistible advance and began the counteradvance which never slackened till it had ended in victory.

"The largest we saw was the great cemetery at Romagne, where over 22,000 of our boys lie with the American flag floating above them, visible for miles across the country they defended. We were led within three minutes to the especial graves we had gone to see, so perfect is the registry; but, in fact, as we stood among them all were especial. One felt personal pride in every gallant spirit whose mortal dust reposes there.

"We were told that the bodies are to be exhumed. Standing there it seemed incredible. It seemed desecration to dig them up. It would be impossible could those who loved them best

see their present resting place. When Gen. Lee was asked to lend his name to a plan to remove the Confederate dead from Gettysburg he replied that he had always felt that the fittest resting place for a soldier was the field of honor on which he had nobly laid down his life. We knew as we stood there that he was right.

"Lying on the old battle front they represent, each one, America in France, and France will never forget them. Lying there they will repeat through the years to France the great truth that Pershing spoke when he said, 'Lafayette, we are here.' If our people could only know how glorious they seem here they would leave them to represent them on the field of their glory.

"THOMAS NELSON PAGE."

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. McLEAN, from the Committee on Banking and Currency, to which was referred the bill (S. 86) to amend the act approved December 23, 1913, known as the Federal reserve act, reported it with an amendment and submitted a report (No. 3) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIAMS:

A bill (S. 1162) declaring Lake George, Yazoo County, Miss., to be a nonnavigable stream; to the Committee on Commerce.

By Mr. RANDELL:

A bill (S. 1163) to carry into effect the findings of the Court of Claims in the matter of the claim of the heirs of Isabella Ann Fluker; to the Committee on Claims.

By Mr. ROBINSON:

A bill (S. 1164) authorizing the Secretary of War to donate to the Arkansas State War Memorial captured German cannons or fieldpieces; to the Committee on Military Affairs.

A bill (S. 1165) granting certain lands in Hot Springs, Ark., to the Leo N. Levi Memorial Hospital Association; to the Committee on Public Lands and Surveys.

By Mr. HARRISON:

A bill (S. 1166) to amend the interstate commerce act as amended; to the Committee on Interstate Commerce.

By Mr. SPENCER:

A bill (S. 1167) authorizing and directing the Interstate Commerce Commission to issue mileage books of not less than 1,000 miles and at a reduction of 20 per cent from the established rate; to the Committee on Interstate Commerce.

By Mr. JONES of Washington:

A bill (S. 1168) to authorize the payment of certain taxes to Stevens and Ferry Counties, in the State of Washington, and for other purposes; to the Committee on Indian Affairs.

By Mr. LODGE:

A bill (S. 1169) granting a pension to Anna Mansfield Sherman;

A bill (S. 1170) granting a pension to Jennie A. Norton;

A bill (S. 1171) granting a pension to James Percival;

A bill (S. 1172) granting a pension to Mary D. Jenness;

A bill (S. 1173) granting a pension to Margaret A. L. Pratt (with accompanying papers);

A bill (S. 1174) granting a pension to Nathaniel Cunningham (with accompanying papers); and

A bill (S. 1175) granting an increase of pension to Emma L. Tappan (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 1176) for the relief of Canadian Car & Foundry Co. (Ltd.); to the Committee on Finance.

By Mr. HARRELD:

A bill (S. 1177) for the relief of the heirs of James Taylor, deceased; to the Committee on Claims.

A bill (S. 1178) providing for the appointment of an additional district judge for the eastern district of the State of Oklahoma; to the Committee on the Judiciary.

A bill (S. 1179) for the payment of certain claims against the Choctaw Indians enrolled as Mississippi Choctaws; to the Committee on Indian Affairs.

By Mr. HALE:

A bill (S. 1180) to carry out the findings of the Court of Claims in the case of Edward W. Larrabee, administrator of Stephen Larrabee, deceased, and Charles H. Greenleaf, administrator of Amos L. Allen, deceased, against the United States; to the Committee on Claims.

A bill (S. 1181) granting a pension to Leroy C. White (with accompanying papers); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 1182) to provide for the appointment of a district judge in the middle judicial district of the State of Tennessee, and for other purposes;

A bill (S. 1183) to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended; and

A bill (S. 1184) to suppress the sale of pistols, revolvers, and other firearms of like form, size, and description, commonly used in the commission of felonious homicides and assaults, and to provide punishment for violation of the provisions of the same; to the Committee on the Judiciary.

A bill (S. 1185) to provide for the erection of a public building at Lenoir City, Loudon County, Tenn.;

A bill (S. 1186) to provide for the erection of a public building at Kingsport, Tenn.; and

A bill (S. 1187) to provide for the purchase of a site and the erection of a public building at Erwin, Tenn.; to the Committee on Public Buildings and Grounds.

A bill (S. 1188) authorizing the President to appoint Arthur Lawrence Brown to the position and rank of first lieutenant in the United States Army; and

A bill (S. 1189) authorizing the Secretary of War to donate to Lewisburg, Marshall County, Tenn., three brass cannons, with carriages; to the Committee on Military Affairs.

A bill (S. 1190) granting an increase of pension to George Milams;

A bill (S. 1191) granting an increase of pension to Richard H. Humphries (with accompanying papers); and

A bill (S. 1192) granting a pension to Thomas Swartzell (with an accompanying paper); to the Committee on Pensions.

By Mr. REED:

A bill (S. 1193) to authorize the commissioning of Maj. Robert W. Barr;

A bill (S. 1194) for the relief of Northrop Banks;

A bill (S. 1195) to correct the military record of J. W. Metler;

A bill (S. 1196) for the relief of Capt. W. B. Finney; and

A bill (S. 1197) for the relief of Ferdinand A. Roy; to the Committee on Military Affairs.

A bill (S. 1198) to provide for the acquiring of a site and the erection of a United States hospital in the city of St. Louis, Mo.;

A bill (S. 1199) to erect a Federal building in the city of Lamar, Mo., on the site now owned by the United States Government;

A bill (S. 1200) to erect a Federal building in the city of West Plains, Mo., on the site now owned by the United States Government;

A bill (S. 1201) to erect a Federal building in the city of Caruthersville, Mo., on the site now owned by the United States Government; and

A bill (S. 1202) to purchase a site for the erection of a post-office building in the city of Fredericktown, Mo.; to the Committee on Public Buildings and Grounds.

A bill (S. 1203) for the relief of J. B. Porter;

A bill (S. 1204) for the relief of Roland S. Robbins;

A bill (S. 1205) to reimburse Martin Carroll for additional face work on walls of officers' quarters over the price named in the contract for the United States noncommissioned officers' quarters at Fort Leavenworth, Kans.;

A bill (S. 1206) to authorize the Secretary of the Treasury to pay the claim of Mary Clerkin; and

A bill (S. 1207) for the relief of the heirs of Patrick McIntyre, deceased; to the Committee on Claims.

A bill (S. 1208) granting a pension to James Grimmet;

A bill (S. 1209) granting an increase of pension to Eddie Thomas;

A bill (S. 1210) granting an increase of pension to Thomas B. Fogle;

A bill (S. 1211) granting an increase of pension to Frank Morgan;

A bill (S. 1212) granting an increase of pension to Jonathan J. Ragner;

A bill (S. 1213) granting a pension to Daniel Wootan;

A bill (S. 1214) granting an increase of pension to Samuel S. Householder;

A bill (S. 1215) granting a pension to B. F. Shields;

A bill (S. 1216) granting a pension to Daniel J. Begley;

A bill (S. 1217) granting a pension to Catherine L. Nixon Rogers;

A bill (S. 1218) granting a pension to Edward F. Rostock;

A bill (S. 1219) granting a pension to Mary E. Stafford;

A bill (S. 1220) granting an increase of pension to James Hanners;

A bill (S. 1221) granting an increase of pension to Ella R. Brown;

A bill (S. 1222) granting a pension to Fannie Wagner;

A bill (S. 1223) granting a pension to Daniel Donohoe;

A bill (S. 1224) granting a pension to Joseph F. Shoemaker;

A bill (S. 1225) granting a pension to J. H. Martin;

A bill (S. 1226) granting a pension to Lucinda Boos;

A bill (S. 1227) granting a pension to Z. H. Golden;

A bill (S. 1228) granting an increase of pension to Leonidas

Recob;

A bill (S. 1229) granting an increase of pension to William H. Hayes;

A bill (S. 1230) granting an increase of pension to William G. Fellow;

A bill (S. 1231) granting a pension to John H. Isiley;

A bill (S. 1232) granting an increase of pension to Elizabeth Commons;

A bill (S. 1233) granting a pension to Thomas Burke;

A bill (S. 1234) granting a pension to Nannie Martin;

A bill (S. 1235) granting a pension to John T. Clark;

A bill (S. 1236) granting a pension to Rhoda Button;

A bill (S. 1237) granting a pension to Ralieg H. Hamilton;

A bill (S. 1238) granting an increase of pension to Edward A. Ward;

A bill (S. 1239) granting an increase of pension to George Morrison;

A bill (S. 1240) granting a pension to Emilie Deetz;

A bill (S. 1241) granting a pension to Amelia Perry;

A bill (S. 1242) granting a pension to W. T. Powell; and

A bill (S. 1243) granting a pension to Mrs. C. A. Thomas; to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 1244) for the relief of Alfred Gregory Lee; to the Committee on Military Affairs.

A bill (S. 1245) for the relief of Robert June (with accompanying papers); to the Committee on Claims.

By Mr. CARAWAY:

A bill (S. 1246) granting to certain claimants the preferential right to purchase certain alleged public lands in the State of Arkansas, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. OWEN:

A bill (S. 1247) for the relief of Frank Carpenter; to the Committee on Claims.

By Mr. NELSON (for Mr. CUMMINS):

A joint resolution (S. J. Res. 39) authorizing the Secretary of War to transfer certain buildings and equipment located at Camp Dodge, Iowa, to the Iowa State College of Agriculture and Mechanic Arts; to the Committee on Military Affairs.

PROPOSED RECOGNITION OF IRELAND.

Mr. LA FOLLETTE resumed and concluded the speech begun by him yesterday in support of the joint resolution (S. J. Res. 1) declaring that the independence of the Republic of Ireland ought to be recognized by the Government of the United States of America, introduced by him on the 12th instant. His speech is as follows:

Monday, April 25, 1921.

PART I. THE AMERICAN DOCTRINE OF RECOGNITION.

Mr. LA FOLLETTE. Mr. President, the resolution now before the Senate, declaring that the United States ought to recognize the independence of the Republic of Ireland, rests squarely upon the Declaration of Independence, and the American doctrine of recognition developed by Jefferson, sanctioned by Washington, and enforced by Monroe, Jackson, and Webster.

For a just decision upon the question of Ireland one need only apply the immortal principle that governments derive their just powers from the consent of the governed. We have heard much about self-determination during the past four years as though it were some new principle which had been evolved during the late war. It is not. "Self-determination" is a loose, general, and unsatisfactory phrasing of the great fundamental principle of self-government, upon which this Republic was founded.

The American doctrine of recognition is merely the practical application of the right of the people to alter or abolish any form of government which becomes oppressive and to institute such new government in its place "as to them shall seem most likely to effect their safety and happiness."

For a century that doctrine has lighted the way for the struggling democracies of the world. Is that light to be put out now? Is a false light to be set in its place? Is the American ideal of liberty and democracy for all mankind to be perpetuated? Are we to continue the policy that marked our course for more than a century—extending the friendly Amer-

ican hand to every small nation yearning and fighting for freedom and independence? Or is there to be a new order—a coalition with the most imperialistic nation on earth to destroy liberty and despoil the weak and the defenseless? Is the recognition of new states and new governments to be decided by diplomats trading in secret with the representatives of imperialistic powers to suppress democracy and overthrow self-government?

Sir, I denounce the attempt to establish such a policy as treason to every American tradition. I proclaim again in these halls, our sacred duty to lend the powerful influence of our prestige to aid those nations which are struggling for the same ideals of free government for which our forefathers gave their lives.

Ireland is to-day a test of real Americanism. Those who to-day most actively oppose recognition of the independence of Ireland in her struggle for freedom from Great Britain are of the same mind, the same flesh, the same blood, as the Tories of 1776. Those who to-day favor recognition by the United States, of Irish independence, stand upon the great fundamental principles of human liberty which were written into the Declaration of Independence.

I believe that Ireland should be free—as free and independent as any nation on the globe. I believe she should be as independent and have as complete dominion over her own destiny as England, France, or the United States, and by the same right—the inherent right of every nation to a government deriving its just powers from the consent of the governed.

I go further than that: I believe that this Congress, without violating any of the usages of international law, without giving any other nation just cause for ill will, should do everything within its power, consistent with its own principles and traditional policy, to insure the prompt recognition of Ireland as a free and independent republic.

I stand for this Government doing no more for Ireland than we have done for other small nations of the world, but I stand for this Government doing no less. I am unalterably opposed to those who would have us abandon that traditional policy and make us, by cowardly silence, accomplices of the oppressors of Ireland.

CONGRESS HAS FULL POWER TO DECLARE ITS JUDGMENT.

There is no doubt whatever as to the authority of Congress to adopt a resolution declaring its judgment on the question of recognition. There is a question, and a very grave question, which need not be argued here, concerning the relative power and authority of the executive and legislative branches of the Government in the field of foreign relations. Upon numerous occasions a conflict has arisen between the executive and legislative branches of the Government as to the exclusive power of the Executive to recognize new governments, but no such conflict is involved in the consideration of Senate joint resolution No. 1.

Mark that. I am not asking from Congress a recognition of the independence of the Republic of Ireland, because I realize that if the resolution were presented in that form the argument would turn, not upon the actual status of the Irish Republic, but rather upon the technical constitutional question whether Congress has the power, under the Constitution, to adopt such a resolution. I have therefore introduced my resolution in the form of an expression of the judgment of Congress, about the propriety of which there can be no question, and where the argument and the final vote must turn upon the question of Ireland's right to independence. When the vote is taken upon this resolution there will be before every Member of the Senate the one clear-cut issue: Do you favor the freedom and independence of Ireland or do you wish to see the Irish people remain a subject nation under the domination of Great Britain?

In support of the authority of Congress to adopt such a resolution as I have introduced, and of the duty of Congress under American precedents and traditions to take such affirmative action looking toward recognition of independence when a nation has so fully achieved its freedom as Ireland has to-day, I have examined and will attempt to present the history of the American doctrine of recognition, to which I invite your earnest consideration.

AMERICAN DOCTRINE OF RECOGNITION GREW OUT OF AMERICAN REVOLUTION.

The American doctrine of recognition is the child of the American Revolution. The American principle of recognition was an outgrowth of the ideas of popular sovereignty and the right of revolution. Neither of these ideas were new, but as they found expression in the Declaration of Independence they were epoch-making.

The American doctrine of recognition introduced and established a new de facto principle of recognition, an original con-

cept. in no way connected with previous international precedents. It created as great a revolution in the fields of diplomacy and international relations as was wrought in the field of government by the adoption of the American Constitution.

Prior to the American Revolution, recognition had rested absolutely upon the doctrine of legitimacy, which was closely related to the theory of the divine right of kings. No nation had ever recognized any newly created state except for selfish purposes and with the expectation of intervention.

With the establishment of the Government of the United States there came into the world a new conception, namely, the duty of a nation founded by the will of the people to assist those nations which were struggling to secure the same status of freedom by giving them recognition as soon as they were able to answer one simple question—whether the new state or government had been established by the will of the people substantially declared.

We find, therefore, that the first official expression by the Government of the United States upon the question of recognition set forth this fundamental principle explicitly and unequivocally.

JEFFERSON FORMULATES AMERICAN POLICY.

On November 7, 1792, Thomas Jefferson, author of the Declaration of Independence and Secretary of State under the first President, in his instructions to Gouverneur Morris, then minister of the United States to France, wrote as official spokesman for President Washington:

It accords with our principles to acknowledge any government to be rightful which is formed by the will of the nation substantially declared.

May I just read that once more? It is the first official declaration of policy of the new Government, voiced through the State Department by Thomas Jefferson and with the sanction of President Washington:

It accords with our principles to acknowledge any government to be rightful which is formed by the will of the nation substantially declared. The late government was of this kind and was accordingly acknowledged by all branches of ours. So any alteration of it which shall be made by the will of the Nation substantially declared will doubtless be acknowledged in like manner. With such a government every kind of business may be done. (Jefferson, Works (Ford Edition), Vol. VI, p. 131.)

This forecast of the American policy was reinforced upon December 30 of the same year in an instruction sent to Mr. Pinckney, our representative in London, regarding the policy which the United States intended to adopt toward France.

We certainly can not deny to other nations that principle whereon our own Government is founded, that every nation has a right to govern itself internally under what forms it pleases and to change these forms at its own will; and externally to transact business with other nations through whatever organ it chooses whether that be King, Convention, Assembly, Committee, President, or whatever it be. The only thing essential is the will of the Nation. (Jefferson, Works (Washington Edition), Vol. III, p. 500.)

This instruction, the records show, received the personal approval of President Washington (Goebel, Recognition Policy of the United States, p. 104).

With the establishment of the doctrine of recognition upon the fundamental principle of right, there followed the corollary principle that recognition did not imply intervention.

New States and new governments were to be recognized because they had been established by the will of the people, and expression of this recognition was not to be taken as the sign of any selfish purpose or imperialistic design upon the part of the Government of the United States.

It is through the establishment of this principle of nonintervention that it became possible for the United States to assert in international affairs its indorsement of the great principle of popular sovereignty upon which it had been founded and to promote the growth of free nations throughout the world without involving itself in European intrigues and without the application of military force.

I should like to turn aside from the notes I have made to discuss this great departure from the world's international policy with regard to recognition; but, as I hope to be able to keep within such limits as will permit me to conclude what I have to say without overtaxing the patience of the Senate, I must forbear.

In Washington and Jefferson were represented the two schools of political thought of that generation. Washington the conservative and Jefferson the liberal, united in the establishment of this fundamental American doctrine. No man can oppose or question this doctrine without placing himself squarely in opposition to Washington and Jefferson.

It was in full accord with the American doctrine of recognition thus established that the United States recognized the revolutionary States of South America when they won their freedom from the oppression of Spain. I do not intend to

dwell upon the steps by which recognition of the South American Republics was achieved, but I will pause to call your attention to the fact that at the very time when the Spanish colonies were on the verge of securing their freedom, England was contemplating the restoration of the colonies to Spain on the basis of commercial freedom and colonial government, to which Russia agreed and was even willing to support by force. The United States, however, came out flatly against such a *modus operandi*, and Monroe insisted "that we partake in no counsels whose object is not their—the South American Republics'—complete independence." (Goebel, Recognition Policy of the United States, p. 127.) It was this bold assertion of the will of the people of the United States which resulted in freeing the whole continent of South America from Spanish dominion and saved these colonies from festering for generations under a form of home rule far more generous than any measure which Great Britain has ever offered to Ireland.

Upon last Tuesday, April 19, the anniversary of the Battle of Lexington and of the first step toward independence taken by Venezuela against its Spanish masters 111 years ago, President Harding unveiled in Central Park, New York, a statue of Simon Bolivar, the Venezuelan national hero, the man who not only freed his native land, but passing with his armies into Colombia, Ecuador, and Peru ended Spanish rule in all those countries, and laid the foundations for Bolivia, the fifth American Republic. I predict that it will not be necessary to wait a hundred years until an American President will unveil with all fitting ceremony, and with the full approval of the American people, a statue to Eamon de Valera, the president of the Irish republic.

AMPLE PRECEDENT FOR RESOLUTION BY CONGRESS URGING RECOGNITION.

It is important, also, to observe that the form of action by which American recognition was finally expressed followed very closely, with respect to the South American Republics, the form which I am now proposing. Upon February 10, 1821, the following resolution was adopted by the House of Representatives, expressing their conviction that the independence of the South American Republics should be recognized:

Resolved, That the House of Representatives participates with the people of the United States in the deep interest which they feel for the success of the Spanish Provinces of South America which are struggling to establish their liberty and independence—

They had not yet achieved it. They were struggling to establish it—

and that it will give its constitutional support to the President of the United States whenever he may deem it expedient to recognize the sovereignty and the independence of any of the said Provinces. (Annals of Congress, p. 1081.)

This resolution was presented to the President by a committee of two members, one of whom was Henry Clay. Mr. Clay subsequently reported to the House:

That the committee had according to order presented the resolution to the President; that the President assured the committee that in common with the people of the United States and the House of Representatives he felt great interest in the success of the Provinces of Spanish-America, which are struggling to establish their freedom and independence, and that he would take the resolution into deliberate consideration with the most perfect respect for the distinguished body from which it had emanated.

This was followed upon March 8, 1822, by a message from President Monroe, stating that in his opinion the time had come to recognize the South American republics, and adding that "should Congress concur in the view herein presented they will doubtless see the propriety of making the necessary appropriations for carrying it into effect," whereupon a measure was immediately passed appropriating \$100,000 to enable the President to give due effect to recognition. Thus we find the President and Congress of that time cooperating for the achievement of a common object in the same manner in which I propose that the recognition of the independence of Ireland should be secured at the present time.

WEBSTER UPHOLDS AMERICAN POLICY TOWARD ASPIRING REPUBLICS.

Even more radical, however, was the action of the United States in attempting to give its aid to Hungary in its struggle for independence. I need not recount how the United States instructed its diplomatic agent to investigate the conditions in Hungary, with the admonition that "if it shall appear that Hungary is able to maintain the independence she has declared, we desire to be the very first to congratulate her and to hail, with a hearty welcome, her entrance into the family of nations." Before the arrival of the American diplomatic agent in Vienna, Russian intervention had broken the revolution, and the leaders had fled to countries where they were safe from extradition. When the Austrian Government heard of the sending of this diplomatic agent, Hülseman, Austrian chargé d'affaires at Washington, addressed to the United States Government a very bitter protest against the course of this country, on the ground of its

impropriety, as an interference with the internal affairs of Austria. To this protest Daniel Webster, then Secretary of State, with the approval of President Tyler, replied with a note in which he asserted the absolute right of the Government of the United States to recognize the independence of revolutionary governments and declared:

The United States have abstained, at all times, from acts of interference with the political changes of Europe. They can not, however, fail to cherish always a lively interest in the fortunes of nations struggling for institutions like their own. But this sympathy, so far from being necessarily a hostile feeling toward any of the parties to these great national struggles, is quite consistent with amicable relations with them all. The Hungarian people are three or four times as numerous as the inhabitants of these United States were when the American Revolution broke out. They possess, in a distinct language, and in other respects, important elements of a separate nationality, which the Anglo-Saxon race in this country did not possess, and if the United States wish success to countries contending for popular constitutions and national independence it is only because they regard such constitutions and such independence not as imaginary but as real blessings. They claim no right, however, to take part in the struggles of foreign powers in order to promote these ends. It is only in defense of his own Government, and its principles and character, that the undersigned has now expressed himself upon this subject. But when the United States behold the people of foreign countries without any such interference spontaneously moving toward the adoption of institutions like their own, it surely can not be expected of them to remain wholly indifferent spectators.

Again, and later, Mr. Webster said:

If, therefore, the United States had gone so far as formally to acknowledge the independence of Hungary, although, as the result has proved, it would have been a precipitate step, and one from which no benefit would have resulted to either party, it would not, nevertheless, have been an act against the law of nations, provided they took no part in her contest with Austria. (Moore, Digest of Int. Law, Vol. I, pp. 227-229.)

The people of the United States as a whole supported the cause of Hungarian independence, and none more strongly than a new statesman who was just then beginning to be known, but whose name was to go down to all ages as the world's greatest emancipator.

LINCOLN URGED RECOGNITION OF HUNGARY.

Let me read you a resolution drafted by Abraham Lincoln at a meeting held upon September 12, 1849, to express sympathy with the cause of Hungarian freedom:

Resolved, That in their present glorious struggle for liberty, Hungarians command our highest admiration and have our warmest sympathy.

And I ask you to remember that this was in support of an unsuccessful attempt to establish a republic.

Resolved, That they have our most ardent prayers for their speedy triumph and final success.

Resolved, That the Government of the United States should acknowledge the independence of Hungary as a nation of freemen at the very earliest moment consistent with our amicable relations with the Government against which they are contending.

Now mark the next resolution:

Resolved, That in the opinion of this meeting, the immediate acknowledgment of the independence of Hungary by our Government is due from American freemen to their struggling brethren, to the general cause of republican liberty, and not violative of the just rights of any nation or people. (Taken from Complete Works of Abraham Lincoln. Edited by John G. Nicolay and John Hay.)

The approval of the American people for Hungarian independence was further dramatically expressed in the dispatch of a ship of war by the President of the United States to bring Kossuth, the leader of the Hungarian revolution, from his land of exile, his enthusiastic reception in all American cities, and the final honor paid him by according him the privilege of addressing the Congress of the United States was a testimonial to the attitude at that time of the Government of this Nation toward peoples struggling for independence and freedom everywhere in this world.

Those were the days when Americans knew the value of their own freedom, and were ready to give something more than mere expressions of sympathy to those who were struggling for freedom in other lands. Let us not believe that the American people now have forgotten the great traditions of their ancestors and are unwilling even to raise their voices to assist a nation struggling to secure the same freedom and the same independence which we possess.

AMERICAN DOCTRINE OF RECOGNITION ENCOURAGED SPREAD OF REPUBLICANISM.

I need not outline at this time the various steps by which the Government of the United States sought to express during all this period of its early history its desire to promote the establishment of new nations throughout the world founded upon the consent of the governed. Wherever a people set up a republic, the United States was first to extend a welcoming hand and to give assurance that they would find at least one friend among the society of nations. Always first in welcoming younger States, the American Government anticipated by months, and sometimes even by years, the recognition accorded by the imperialistic powers of Europe.

Confident of the righteousness of her own Government, the United States dared to assert the right of all nations and all peoples to govern themselves when they themselves chose. She was then a mere pigmy compared to the giant size which the American Nation has now attained, but by the force of moral superiority alone she brought the great powers of the world to grant respect to that doctrine.

AMERICAN POLICY TOWARD CUBA.

The clear voice of America spoke to liberate from Spanish oppression the Republic of Cuba, although the claim of Cuba to independence and to recognition by foreign powers was at no time so well founded as the claim of Ireland which comes to us to-day.

Permit me to direct your attention to the debate which took place in the Senate of the United States in 1897. At that time the Democrats, under the leadership of Senator Bacon, of Georgia, proposed the adoption of a resolution, "That the independence of the Republic of Cuba be, and the same is hereby, acknowledged by the United States of America." The Republicans, under the leadership of Senator Hale, opposed this resolution solely upon the ground that it exceeded the constitutional powers of Congress and encroached upon the rights of the Executive, but they did not raise their voice against the expression of opinion by Congress indorsing recognition of Cuba's independence.

Senator Hale, from the Committee on Foreign Relations, presented a memorandum upon the power to recognize the independence of a new foreign State. This memorandum, which represented the most conservative opinion in the Senate, strongly opposed the unequivocal acknowledgment by Congress of the independence of Cuba, but specifically declared the right of Congress to express its opinion and wishes as to recognition of Cuba to the Executive (p. 5 of memorandum).

It is quite true that Congress took no part in the recognition of the new States created by the World War, but it is true that the principles which were applied in recognizing Czechoslovakia, Poland, Finland, Jugo-Slavia, and Armenia would justify immediate and complete recognition by the Government of the United States of the Republic of Ireland. President Wilson, upon September 3, 1918, recognized the Czechoslovak National Council in Paris as the "de facto" Government of the Czechoslovak State, although the entire Czechoslovak territory was then occupied by the armies of Austria-Hungary.

President Harding has specifically declared his desire to receive the opinion of Congress upon questions of foreign affairs. The Congress in adopting the resolution which I have presented, declaring its opinion that the Republic of Ireland ought to be recognized, will not only lend a strong hand to a small nation struggling for freedom, but will reestablish the constitutional function of Congress to take the part in the foreign affairs of the Nation which the Constitution of the United States intended it should have.

PART II. ARGUMENTS AGAINST IRISH INDEPENDENCE ANSWERED.

I now turn to a specific consideration of the case of Ireland. Does the Irish struggle for independence embody the elements necessary to bring it within the scope of what I have shown to be the traditional American policy of recognition?

In arriving at the conviction that Ireland is entitled to independence, I have taken into the account the principal objections raised by the apologists for British rule. Let us examine these objections briefly.

IRELAND A NATION.

The most absurd contention, put forward in opposition, is the denial that Ireland is a distinct nationality. Judged by the standards applied to other nations, the people of Ireland constitute one of the most distinctly marked and easily traced nationalities of which the world's history makes record. Upon this proposition I quote from a document issued as late as 1918. It was prepared by the British "Joint Commission on the Problems of the International Settlement," an association composed solely of English publicists. They say:

Ireland has all the attributes of a nation. Her boundaries can not be disputed. Her people from the earliest times have known the country by a single name and given it an undivided affection. Through long ages she has been famous for work in gold and metal, in stone and parchment. Her written history, compiled by her learned scholars, is as old as that of England. She possesses an intelligent and splendid literature. The work of her unbroken roll of learned scholars and poets for over a thousand years has, during the last 300 years, been preserved by the devotion of her people, who in their darkest hour still labored in their cabins to keep and continue the manuscript tradition left them by their fathers. There is no other instance in Europe of a zeal such as this. The national consciousness of the people, based on a great tradition, has never failed and is now of passionate intensity.

The whole country was, from earliest times, known by a single name, Eire, which later took the form of Ireland. Its chroniclers began writing its history in the seventh century, and from at least as

early as the eighth century a code of laws existed for the whole of Ireland. National sentiment was inspired by love of the country itself, and its geography was part of the earliest literature. Schools of learning were so ordered as to be in fact a national university, and by their care the Irish language was guarded and perfected as the language of Ireland, one and indivisible. It is the early unity of all Ireland in its intellectual and spiritual life which reveals the soul of the country and which has given it from the first the fervor of national consciousness.

What is known of the political life of the time reveals a settled government, which commanded the affection of the people, and social conditions both humane and reasonable. Communication with continental peoples was frequent, and Irish travelers—poets, missionaries, scholars, and traders—were found in every land. Woolen goods, leather work, fine embroideries, and other wares from Ireland were known in Europe as far even as Naples and Russia. Irish scholars, above all, had a great repute, especially as teachers, in foreign lands. Ireland lived no secluded life, but was in direct contact with the trade, the science, and the literature of Europe. The wealth of the country invited many invaders—Danes, Normans, and English.

The invasion of Henry II, in 1169, broke the unity of the national life and the natural progress of civilization, culture, and government. Two contending forms of civilization were set against each other, one based on a political and imperial idea of a state, the other on the national and spiritual tradition of a country. The conflict thus begun has continued to the present day * * *

I have quoted somewhat at length on this proposition of nationhood because I think it has a worthy and special place in the struggle for which Ireland is contending.

Prime Minister Asquith, who was the responsible spokesman for England when that country entered the war, said of Ireland:

There are few cases in history—as a student of history I myself know of none—of a nationhood at once so distinct, so persistent, and so assimilative as the Irish. * * * I start, then, with the proposition that Ireland is a nation.

And again he says:

I have always maintained, and I maintain as strongly to-day, that * * * Ireland is a nation. Not two nations, but one nation, and that the condition of the success of any scheme that statesmen can devise is the recognition, the full and generous recognition, of Irish nationality.

I believe the unqualified statement of the British premier will be accepted as a conclusive testimonial that Ireland is a nation, with all the rights that attach to nationhood.

If the nationhood of Ireland is accepted, then her right to order her own national life, to establish and maintain a government strictly according to the will of her own people, must be granted as hers—unless she has voluntarily surrendered that right.

That is inherent according to the American doctrine. I now take up the next objection raised to Irish independence.

IRISH ISSUE POLITICAL—NOT RELIGIOUS.

It is said that this whole controversy arises from a religious issue.

If this is a religious struggle, how shall we account for the fact that before Martin Luther's time, when Ireland was Catholic and England was Catholic, Ireland fought English tyranny as bitterly as she is fighting it now? How may we explain the adherence to the Unionist cause of some of the leading Catholics of England? And finally, during the last 150 years, in time of national peril, when her life as a nation hung upon the loyalty of her leaders, why has Ireland chosen a majority of those leaders—Wolfe-Tone, Russell, McCracken, Orr, Robert Emmet, John Mitchel, Smith O'Brien, Parnell—every one of them from the ranks of the Protestants? It can not be maintained with truth that this struggle is being waged upon a religious issue.

It is a subterfuge, an attempt to so divert the real issue of this mighty struggle for independence, freedom, liberty, and self-government. Every impartial investigator and every commission which has inquired into conditions in Ireland has been forced to concede that the struggle now going on in that country is purely and simply a contest between Irish nationality and British imperialism.

IRISH INDEPENDENCE NOT A MENACE TO BRITISH SECURITY.

Again, Britain contends that Ireland's independence would be a menace to England's security.

I invite you to consider that plea for a moment. Here is a nation that has under her flag 475,000,000 subjects, embracing one-fourth of the human race, and 15,000,000 square miles of territory, constituting one-fourth of the land surface of the globe.

She has the most powerful navy in the world, which combined with her control of nearly every great strategic point along the highways of commerce, makes her the undisputed mistress of the seas. Not only can she train her guns at will upon every ton of shipping and every fighting vessel that traverses the trade routes by water, but she owns the Bagdad Railway, giving her the principal land route from Europe to the East. She has unlimited natural resources. Her industrial system is more highly organized than that of any nation in Europe.

Neighboring to the seat of this great power, is an island completely isolated from the rest of the world. A total of 4,500,000 persons inhabit this island, embracing an area less extensive than an average American State. This country has no navy nor the means of building one. If it allowed a hostile nation to use its shores as a base for operations against its powerful enemy, it would be an easy prey to attack and nothing could save it from utter annihilation.

I say that you can not sustain the proposition that an enslaved Ireland is necessary to the security of England. If Ireland must be in bondage to make England free then England by equal right can claim control of the channel ports in France, Holland, and Belgium, for it will be conceded that they menace her security to a far greater degree than the isolated island to the west. But, sir, and above all, England has no right to purchase her security at the expense of Irish freedom.

IRELAND AND SECESSION.

I come now to the next great and perhaps dominating reason advanced against Irish independence.

Notwithstanding Ireland's title to nationhood, acknowledged to be equal to that of any people in history, England asserts the right to deal with the Irish issue as a domestic question.

Based on this assumption, Ireland's struggle for independence, culminating in her elections and the setting up of the government of the Republic of Ireland, is denounced as an "act of secession." The plain facts of history, sir, refute this English claim. Ireland is a nation; she has never ceased to struggle for independence; she has never surrendered to the control of England; through all the centuries she has disputed that control. Every contested issue between the two nations is an international issue, not a domestic issue, upon which secession can be predicated.

England cites as a justification for imposing her imperial will by superior force on the Irish people the course pursued by the Northern States in 1861 to 1865 in forcing the Southern States to submit to national authority.

This artificial perversion, this attempt to show a parity where no parity exists, has been piped about in every quarter where American public opinion could be influenced. It has been heard on the floor of the United States Senate. It has been proclaimed from the public platform. But the man who originated this cunning piece of sophistry, who first set it afloat in the currents of discussion upon the Irish question, and who makes it the basis for British policy in Ireland to-day, is David Lloyd-George, prime minister of Great Britain.

I invite every American citizen and call upon every representative of the people in this body to examine this argument.

I challenge the argument as a distortion of fact, raising a false issue to prejudice the Irish cause, and to justify an international crime without parallel in history.

LLOYD-GEORGE'S "SECESSION" ARGUMENT STATED.

Mr. President, in order that there may be no misunderstanding, I shall state the prime minister's argument and I shall state it in his own words. When David Lloyd-George presented the fourth Irish home-rule bill to Parliament this specious claim was first set up. He said:

I think it right to say that any attempt at secession will be fought with the same determination, the same resources, the same resolve as the Northern States put into the fight against the Southern States.

Again, speaking in the British House of Commons, less than a year ago, he said:

Mr. De Valera is putting forth the same claim in exactly the same language as Mr. Jefferson Davis. * * * If persisted in it will lead to exactly the same measures of repression as in the Southern States of America.

And in April, 1920, Lloyd-George said to the House of Commons:

If you asked the people of Ireland what they would accept, by an emphatic majority they would say: "We want independence and an Irish Republic."

That is an admission to which I shall recur later.

There is absolutely no doubt about that. The elected representatives of Ireland now by a clear, definite majority have declared in favor of independence—of secession.

But the most positive statement of the British premier on this subject has come to us within the past week. On April 19 he made a formal statement, which I quote from the Washington Post of April 20:

PREMIER SAYS IRISH CAN NEVER SECEDE—REPLY TO BISHOPS DEFENDS HIS POLICY BY CITING AMERICAN CIVIL WAR AS PARALLEL—LINCOLN HIS JUSTIFICATION—SINN FEIN LEADERS, "REAL OBSTACLE TO PEACE." OPPOSE COMPROMISE, ASSERTS LLOYD-GEORGE—LLOYD-GEORGE'S ARGUMENT STATED.

London, April 19 (by the Associated Press).—Prime Minister Lloyd-George defends the Government's policy in Ireland and cites the American Civil War as providing an exact parallel for the situation there, involving the fundamental issue of union or secession, in his

reply made to-day to the recent memorial sent him by nine Anglican bishops and the heads of the principal nonconformist churches in Great Britain.

In this memorial the signers indorsed the Archbishop of Canterbury's protest in the House of Lords against reprisals in Ireland and pleaded for a truce. Among other things, the memorial declared the Government's policy in Ireland exposed Great Britain to "misunderstanding and hostile criticism, even of the friendliest of the world's nations."

I shall have occasion later on to refer to that memorial.

Mr. Lloyd-George, in his letter of reply, declares—

And I should like the Senate to observe his exact language—

"At the outbreak of the American struggle nearly every one in these islands sympathized with the South. Even Gladstone took this view and only John Bright (the famous English statesman) did not waver in his adherence to Lincoln's cause. That war lasted for years and cost 1,000,000 lives and much devastation and ruin. There was more destruction of property in a single Confederate county than has been caused by all the so-called reprisals throughout Ireland.

"Lincoln rejected truce and compromise, as he often said he was fighting for the Union and meant to save it even if he could only do so at the price of retaining slavery in the South. Is there a man or woman to-day who does not admit that the North was right, and who does not see the calamitous result which would have followed the breaking up of the American Union? I doubt if there is a responsible man in the Southern States to-day, however much he admires great figures like Jackson and Lee, who is not glad that the Union was preserved, even at the terrible cost.

FEAR OF BALKANIZATION.

"Is not our policy exactly the same? It is, by reason of the contiguity of the two islands and their strategic and economic interdependence, to fight secession and to maintain the fundamental unity of our ancient kingdom of many nations. I believe our ideal of combining unity with home rule is a finer and nobler ideal than excessive nationalism, which will have nothing less than isolation—which is the Sinn Fein creed and which, if it had full play, would Balkanize the world. I believe that once the struggle is over, bitterness forgotten, and unity preserved, all will agree that in the fundamentals the Government was right and the Sinn Fein wrong."

The prime minister declares he does not see how he can pursue a different line, as "the directing minds of the Sinn Fein who control the Irish republican army—the real obstacle to peace—believe they can ultimately win a republic by continuing to fight as they are fighting to-day and are resolutely opposed to a compromise."

Note the parallel attempted to be drawn by the British premier. He rests the British case upon the same analogy. He declares that Ireland is fighting for the same principle for which the South contended. He declares that his own policy is "exactly the same" as the policy pursued by Lincoln.

In this connection, Mr. President, I read a cablegram—a copy of which has been handed to me, transmitted to Lloyd-George on April 19, 1921, from Chicago, Ill.:

The Right Hon. LLOYD-GEORGE,

Downing Street, London, England:

As a Confederate veteran, I declared to-day before convention of 5,000 American sympathizers with Irish liberty that we southerners repudiate your parallel of the war between Irish Republic and Britain and War between the States. A cause that requires such frivolous argument must be weak.

GEN. A. B. BOOTH,

*Louisiana, Adjutant General and Chief of Staff
of the United Confederate Veterans of America.*

I also quote an editorial from the Chattanooga News of April 20 repudiating the argument of Lloyd-George:

IRELAND AND THE SOUTH.

Lloyd-George contends that the effort to secede from the United Kingdom by Ireland is similar to the effort of the Southern States to leave the United States of America. We wonder what Lloyd-George thinks of the successful effort to secede on the part of Poland from Russia, Germany, and Austria, of Czechoslovakia from Austria, of Yugoslavia from Austria, of Trieste and Trentino from Austria, and so down the line—forcible separations of sovereignty from Governments as constituted before the recent war. There are too many elements of difference between the relations of Ireland to the British Government and of the Southern States to the American Government to enumerate here. The Southern States were part of a Government with a written constitution. Until the arbitrament of arms had been appealed to it could not be positively said whether or not the right of secession existed. As for Ireland, while it is a part of the British Empire, the union was formed by force and has never been accepted by Ireland. Great English thinkers like Wells and Chesterton admit that the Irish constitute a separate nationality. This was not true of the southern people. They were of the same race as the rest of the country. It was a question here of what the Federal Constitution meant and of expediency, and whether the unit of sovereignty was State or Nation. In Ireland it is a question of the self-determination of a nation. According to Lloyd-George, what would have become of Alsace-Lorraine? Once a wrong was done, it would have to be maintained.

THE CONSTITUTION RECOGNIZES THE SOVEREIGNTY OF THE PEOPLE.

Let us analyze step by step the processes by which Lloyd-George comes to this remarkable conclusion.

If Ireland is to-day attempting secession, if Britain is fighting for the great principle on which the Union was preserved, if Lloyd-George's policy is Lincoln's policy, then the political relationship between Ireland and Great Britain must be comparable in the main to the relationship which existed prior to the Civil War, and has ever since existed between the States of the North and the South.

It will be conceded that the legal basis upon which rested the policy of the North in preserving the Union was the Consti-

tution of the United States. It will be conceded that the document upon which Great Britain must now rely for her policy in Ireland is the Act of Union of 1800.

Let us, then, compare these two documents.

The Constitution of the United States was founded upon one great principle—the recognition that all sovereignty lies in the people. That principle had first been proclaimed in the Declaration of Independence, which recognized that "governments derive their just powers from the consent of the governed."

The Constitution of the United States, therefore, came from the convention which framed it as a mere proposal, without obligation, validity, or binding force. It was submitted to the people by the convention, by Congress, and by the State legislatures. The people acted upon it through conventions, which, in the language of Chief Justice John Marshall, was "the only manner in which they could act safely, effectively, and wisely on such a subject" (*McCulloch v. State of Maryland*), and from that action the Constitution derives its whole authority.

Chief Justice Marshall admirably expressed the great principle underlying the Constitution when he said (*McCulloch v. State of Maryland*):

"The government proceeds directly from the people, is ordained and established 'in the name of the people'; and is declared to be ordained 'in order to form a more perfect union.' * * * The people were at perfect liberty to accept or reject it, and their act was final. It required not the affirmation, and could not be negated, by the State governments. The Constitution when thus adopted was of complete obligation and bound the State sovereignties."

* * * To the formation of a league, such as was the federation, the State sovereignties were certainly competent. But when, "in order to form a more perfect union," it was deemed necessary to change this alliance into an effective government, possessing great sovereign powers, and acting directly on the people, the necessity of referring it to the people and of deriving its powers directly from them was felt and acknowledged by all.

The Government of the Union, then * * * is, emphatically, and truly, a government of the people. In form and in substance it emanates from them. Its powers are granted by them, and are to be exercised directly on them, and for their benefit.

Viscount James Bryce, in his authoritative "American Commonwealth," clearly drew the distinction between a mere confederation of states such as was created by the Articles of Confederation and the Government set up by the Constitution, an instrument deriving its powers from the people, in the following language:

The Union is not a mere compact between Commonwealths, dissoluble at pleasure, but an instrument of perpetual efficacy, emanating from the whole people, and alterable by them only in the manner which its own terms prescribe.

I assert that the sheet anchor of the American Republic has been the recognition of the principle that sovereignty resides in the people. The people had the sovereign power to establish, through voluntary action, a national government. It was not an act of States. It was declared in specific terms to be the act of the people; "We, the people, in order to form a more perfect union," so the instrument runs.

That was the principle of Washington and Jefferson. The great statesmen of our early history, differing on many questions, agreed that the Union was perpetual and indissoluble.

With the extension of human slavery there arose a school of political leaders who contended that sovereignty resided in the States; that the States had never delegated sovereign power to the Federal Government, and that the States therefore might secede from the compact at will.

The views of the North and South upon this question were in conflict. Those who contended that the people of the United States had vested the National Government with sovereign powers and that the State governments could not destroy that union, maintained that view in the Civil War, and it has since remained the guiding principle of both our domestic and our foreign policy.

IRELAND NEVER YIELDED SOVEREIGNTY TO GREAT BRITAIN.

Now, Mr. President, contrast the Union established by the American people through the Constitution with the political relation which joins Ireland to the British Empire, and let us see whether Mr. Lloyd-George can construct out of that situation an analogy which will appeal to any considerable number of American people.

Ireland had been a nation—distinct, autonomous at intervals, perhaps not completely so, and independent—for 1,000 years before she was invaded more than seven centuries ago by the Normans. For a thousand years there was an unbroken line.

Down through 750 years the people of this little country have fought the descendants of the original invaders, and never surrendered.

As proof of the fact that Ireland never surrendered her sovereignty it is only necessary to refer to Great Britain's own

acts from the time of the first successful English invasion in 1169 down to 1541, when an Irish parliament, convened by Henry VIII, declared Ireland to be a kingdom, and chose Henry VIII to be King of Ireland. The two countries, England and Ireland, each maintained separate independent kingdoms. In 1782 the English Parliament, chastened by the American war for independence, adopted the Act of Renunciation. This act provided that no power on earth but the king, lords, and commons of Ireland was competent to make laws for Ireland. That Act of Renunciation was adopted by the British Parliament.

By this Act of Renunciation England forever renounced all claims to legislate for Ireland. Hence, Ireland in 1782 was definitely and formally recognized by England as a distinct nation. By this act the English Parliament expressly acknowledged the right of the Irish people to govern themselves; that is, to make and administer their own laws. This right, to quote from the Act of Renunciation, was "hereby declared to be established and ascertained forever, and shall at no time hereafter be questioned or questionable."

England is thus compelled to base her right to rule Ireland as a part of the British Empire upon something, therefore. What? The so-called Act of Union passed by the Irish Parliament in 1800. It is the British claim that by the Act of Union Ireland was absorbed into the British Empire. Upon that document she must rest her case. In express terms it repealed and superseded every previous enactment upon the status of Ireland. It is the sole repository of any claim of legal right upon which Great Britain may rely to support her contention.

ACT OF UNION NOT A VOLUNTARY ACT OF IRISH PEOPLE.

To delegate sovereign powers to the British Crown the Irish people must have taken a voluntary step as conclusively representative of the popular will as was the ratification by the people of the Constitution of the United States.

Was the Act of Union of 1800 a voluntary act of the people of Ireland?

Now, let us see what the Act of Union means to England and to the Irish people when it is subjected to investigation and analysis. It was adopted by the Irish Parliament that had been established by the Act of Renunciation in 1782.

Not less than 75 per cent of the people of Ireland in 1800 were of the Catholic faith. No Catholic was permitted to vote or to occupy a seat in the Irish parliament in the year 1800 when the Act of Union was passed.

Seven hundred thousand Irish people petitioned against the passage of the Act of Union, while but 3,000 declared themselves in favor of it.

Lord Grey, a former British prime minister, speaking in the English Parliament in 1800, said:

Could a nation in more direct terms express its disapprobation of a political measure than Ireland has done of a legislative union with Great Britain? In fact, the nation is nearly unanimous.

Lord Cornwallis, lord lieutenant, under whom the Act of Union was put through the Irish Parliament, stated:

I despise and hate myself for engaging in such dirty work.

Ireland was overrun with 130,000 British soldiery in preparation for the control of the Irish Parliament. In support of this I quote from the speech of Lord Plunkett, in the Irish Parliament in 1800, as follows:

Our country is filled with British troops whilst the habeas corpus act is suspended—whilst trials by court-martial are carrying on in many parts of the Kingdom—whilst the people are taught to think they have no right to meet or deliberate.

Grattan affirmed that of the entire vote cast for the Union all were bribed but seven.

Reviewing the methods by which the Irish Parliament was corrupted Daniel O'Connell said in 1843, when he was pleading for its repeal:

Bribery was un concealed. The terms of the purchase were quite familiar in those days. The price of a single vote was £3,000 in money, or an office worth £2,000 a year if the parties did not choose to take ready money. Some got both for their votes.

He declared in court on a later occasion:

There were in all £3,000,000 (\$15,000,000) expended in actual payment of the persons who voted for the Union.

In volume 8, page 405, of Lecky's authoritative History of England, eighteenth century, the following appears:

It is scarcely an exaggeration to say that anything in the gift of the Crown in Ireland, in the Church, the army, the law, the revenue was uniformly and steadily directed to the single object of carrying the Union.

Lloyd-George himself called the Act of Union "the union of the grappling hook," and Lord Byron described it as "the union of the shark with its prey."

William Ewart Gladstone, one of the most eminent Englishmen of the last century, four times premier of Great Britain,

and leader of the great liberal masses of England who were then, as now, opposing the imperial British policy in Ireland, said at Liverpool, on June 28, 1886, concerning this infamous act:

There is no blacker or fouler transaction in the history of man than the making of the union between Great Britain and Ireland. * * * The carrying of it was nothing in the world but an artful combination of fraud and force, applied in the basest manner in the attainment of an end which all Ireland detested. * * * A more base proceeding, a more vile proceeding, is not recorded in my judgment in any page in history.

In the House of Commons, London, on April 16, 1886, he said:

We used the whole civil government of Ireland as an engine of wholesale corruption. * * * I will only say that we obtained that union against the sense of every class of the community, by wholesale bribery and unblushing intimidation.

Finally, on January 28, 1897, after his retirement and only one year before his death, which terminated a public career of 61 years, Mr. Gladstone said:

Union with Ireland has no moral force. * * * It rests on no moral basis. That is the line I would always take were I an Irishman. That is the line which as an Englishman I now take.

Such was the opinion of Prime Minister Gladstone. He declared that "there is no blacker or fouler transaction in the history of man" than the proceeding by which the Irish Parliament was bribed and coerced into passing the Act of Union in 1800. He admits that England used the "whole civil government of Ireland as an engine of wholesale corruption," and he asserts that that union was consummated "against the sense of every class of the community."

And his final conclusion, stated a few years before his death, was that:

The Act of Union was carried by means so indescribably foul and vile that it can have no moral title for existence whatsoever.

I have been obliged to exclude a vast mass of additional testimony in support of this proposition which I am submitting to the Senate.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER (Mr. Moses in the chair). Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LA FOLLETTE. I yield.

Mr. WALSH of Montana. Will the Senator permit me to remark that Green, whose history is the standard English history in every school, states that the Act of Union was accomplished by the most unblushing corruption and bribery?

Mr. LA FOLLETTE. That is true. I distinctly recall it, Mr. President, and perhaps I should have included that statement from the English historian, in addition to Gladstone and some other authorities I have quoted. There is a mass of testimony which could be added upon the subject. Nobody can defend the Act. There is no defense for it. It is beyond the pale of all political morality.

Now I come to consider the question from another standpoint:

THE ACT OF UNION AN ULTRA VIRES ACT.

The Act of Union was void wholly aside from the element of corruption and coercion with which it was tainted.

The people of Ireland had delegated to the Irish parliament authority to make laws for Ireland. It had not delegated authority to the Irish parliament to redelegate its authority to make laws for the Irish people to the Parliament of Great Britain.

PARLIAMENT COULD NOT DESTROY IRISH NATION.

The authority of Parliament to pass the Act of Union was denied by the ablest Irish lawyers and jurists. Attorney General Saurin said:

If a legislative union should be so forced upon this country against the will of its inhabitants, it would be a nullity, and resistance to it would be a struggle against usurpation and not a resistance against law.

You can not make it obligatory on conscience; it will be obeyed as long as England is strong, but resistance to it will be in the abstract a duty; and the exhibition of the resistance will be a mere question of prudence.

Mr. Fitzgerald, ex-prime sergeant-at-law, declared:

It is not, in my opinion, within the moral competence of Parliament to destroy and extinguish itself, and with it the rights and liberties of those who created it. The constituent parts of a State are obliged to hold their public faith with each other and with all those who derive any serious interest under their engagements; such a compact may, with respect to Great Britain, be a union; but with respect to Ireland, it will be a revolution, and a revolution of a most alarming nature.

Lord Plunkett, later lord chancellor, clearly stated at the time of its passage the fatal defect of the Act of Union. He said:

I, in the most expressed terms, deny the competency of Parliament to do this act. I warn you, do not lay your hands upon the constitution. I tell you, that if, circumstanced as you are, you pass this act, it will be a mere nullity, and no man in Ireland will be bound to

obey it. I make the assertion deliberately. I repeat it; I call on any man who hears me to take down my words. You have not been elected for this purpose. You are appointed to make laws, and not legislatures. You are appointed to exercise the function of legislators, and not to transfer them. You are appointed to act under the constitution, and not to alter it; and if you do so, your act is a dissolution of the Government—you dissolve society into its original elements, and no man in the land is bound to obey you. * * * You may extinguish yourself, but Parliament you can not extinguish. It is enthroned in the hearts of the people; it is enthroned in the sanctuary of the constitution; it is immutable as the island it protects.

These opinions are sustained by the highest authority in international law. The right of a people to resist such an act is thus stated by Grotius:

If the supreme power was really attempting to hand over the kingdom or put it in subjection to another, I have no doubt that in this it may lawfully resist. For, as I have said before, it is in that case another government, another holding of it; which change the people have a right to oppose.

Locke—

Mr. REED. Mr. President, this is a very powerful and a very instructive speech. When it was started most of the Members of the Senate had gone to their offices. They would have remained, I am sure, had they been here when the Senator began to speak. If it is not disagreeable to the Senator, I would like to suggest the absence of a quorum: I shall not do it against his protest.

Mr. LA FOLLETTE. Mr. President, I greatly fear that, as I have prepared my argument upon this subject, it is quite impossible for me to conclude it to-day, and if the Senator will be content to let me proceed for the matter of half an hour without suggesting the absence of a quorum I will yield the floor for to-day, and continue the argument upon securing recognition, if possible, to-morrow morning, shortly after the assembling of the Senate.

Mr. REED. Of course, the Senator will understand that I did not mean to interrupt him.

Mr. LA FOLLETTE. I do so understand, and I thank the Senator for his consideration. I find, Mr. President, that it will be quite impossible for me to conclude the entire argument, as I have prepared it, to-day, and with the indulgence of the Senate, if I can conclude Part II of my argument which I am now presenting I shall shortly yield the floor for the day. I hope to be able to-morrow morning to conclude what I have to say upon this resolution.

A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. LA FOLLETTE. The business now before the Senate, if it should be before the Senate when we conclude our session to-night, will be the unfinished business, as I understand?

The VICE PRESIDENT. That is the understanding of the Chair.

Mr. LA FOLLETTE. I have no desire to force a disposition by the Senate of the joint resolution at this time.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LA FOLLETTE. I yield.

Mr. NORRIS. Even though that should be technically true, I assume that the Senator will ask that his joint resolution be referred to the Committee on Foreign Relations.

Mr. LA FOLLETTE. I was about to say that I shall.

Mr. NORRIS. There will be no difficulty, even if it does become the unfinished business, for the Senator to have that done, when the time comes.

Mr. LA FOLLETTE. I so understand, and I simply wanted to say that if it were left as the unfinished business, so that it might come up at 2 o'clock to-morrow, and I be permitted to conclude my discussion of it, I would then ask to have it referred to the Committee on Foreign Relations, for I think it should be considered by a committee, and I am anxious that that should be done. I entertain the hope that the committee will, within a reasonable time, report the joint resolution back to the Senate for its action. So, if I may be permitted, I shall proceed to conclude that portion of my argument which I think I can reasonably finish without overtiring the Senate at to-day's session.

I had just submitted the quotation from Grotius and was about to present one from Locke, taken from his treatise on civil government. He said:

The delivery also of the people into subjection of a foreign power, either by the prince or by the legislature, is a dissolution of the government. For the end why people entered into society, being to be preserved one entire, free, independent society, to be governed by its own laws; this is lost whenever they are given up into the power of another. * * * Whenever, therefore, the legislature shall transgress this fundamental rule of society, and either by ambition, fear,

folly, or corruption endeavor to grasp themselves, or put in the hands of another, an absolute power of the lives, liberties, and estates of the people; by this breach of trust they forfeit the power the people have put into their hands for quite contrary ends, and it devolves to the people, who have a right to resume their original liberty and by the establishment of a new legislature (such as they shall see fit) provide for their own safety and security; which is the end for which they are in society.

And again:

The legislators can not transfer the power of making laws into other hands, for it being but a delegated power from the people, they who have it can not pass it over to others. The people alone can appoint the form of the Commonwealth. * * * The power of the legislature being derived from the people by a positive voluntary grant and institution, can be no other than what the positive grant conveyed, which being only to make laws and not to make legislature, the legislature can have no power to transfer their authority of making laws or to place it in other hands.

Black, in his work on Constitutional Law, enunciates the principle of limitation binding upon all legislative bodies as follows:

The legislators are the agents or trustees of the people, and they have no right or power to place the trust irrevocably in other hands than their own.

Yet I again remind you that so far as she can find any justification in a written instrument of law for her occupancy of Ireland to-day, England must rely upon this Act of Union—an act that has neither moral nor legal basis for existence.

LLOYD-GEORGE NOT A SECOND LINCOLN.

I have gone at length into the basis of Mr. Lloyd-George's argument because it is the principal contention upon which British Tories and their American imitators are seeking to prejudice the minds of the American people against the Irish cause to-day. I assert that even the most superficial examination of the circumstances surrounding the passage of the Act of Union and an analysis of the act itself establish the utter falsity of Lloyd-George's position.

For Lloyd-George to compare the Act of Union with the Constitution of the United States is a gross perversion of historical facts. For him to assert that Great Britain is maintaining the principle for which the soldiers of the North shed their blood in the Civil War is a national affront. For him to assume the rôle of Abraham Lincoln is sacrilege.

The Constitution of the United States, which recognized the sovereignty of the people, and established a government deriving all its authority from a voluntary act of the people, can not be compared to a document hatched in a nest fouled by bribery and corruption, based upon a denial of the sovereignty of the people, proclaimed by a body which exceeded its authority, and imposed by brute force against the consent of those upon whom it operates.

The true American analogy for the present struggle of Ireland lies not in the fight to maintain the Union, but in the War of 1776 by which we won our national independence.

When this truth is fully understood, the American people, returning to their traditional policy, will repudiate the attempt of Great Britain to employ our guiding national principle as a cloak for the oppression of the Irish people. To make that repudiation complete and effective, the American people will demand that this Government recognize Ireland as a free and independent Republic.

[At this point Mr. LA FOLLETTE yielded the floor for the day.]

Tuesday, April 26, 1921.

Mr. LA FOLLETTE. Mr. President, I had directed the attention of the Senate on yesterday particularly to the American policy of recognition, and then took up the objections to the recognition of Ireland as an independent republic and discussed them in the order in which I had arranged my argument. That brings me to speak this morning of the case of Ireland as related to the recent war.

PART III. THE CASE OF IRELAND AS RELATED TO THE RECENT WAR.

By every obligation binding upon the honor of organized governments, Great Britain, her allies, and the United States were solemnly committed, from the time they and each of them declared their aims and purposes as belligerents in the European war, to accord Ireland a place at the peace table, and the right—the absolute right—to freedom and self-government.

Mr. President, as I have contended heretofore, supported, I believe, by the highest authority, Congress has the right, and, I think, it is its duty to declare the objects and purposes for which a war should be fought or is being fought; but, in the absence of a declaration by Congress upon that subject, the President has the right to declare the objects, purposes, and aims for which the war is being fought.

There is abundant record evidence of the objects and purposes of our participation in the war, and of that of Great Britain as

well, declared by those authorized and clothed with full responsibility to speak for their respective governments. In his message to Congress urging a declaration of war, the President stated it to be the purpose of the American Government to do what? To—

Fight for the rights of nations great and small and the privilege of men everywhere to choose their way of life and of obedience.

Again, on December 4, 1917, in an address to Congress, he said:

We shall be willing and glad to pay the full price for peace and pay it ungrudgingly. We know what that price will be. It will be full, impartial justice—justice done at every point and to every nation—that the final settlement must affect our enemies as well as our friends.

Again, on September 27, 1918, he said:

The price of peace is impartial justice in every item of the settlement no matter whose interest is crossed.

Men heard those appeals; Irishmen in Ireland heard them and enlisted and went out to die because they saw in them the realization of the hope for which they had struggled during seven and a half centuries.

Again the President said:

It must be a justice that plays no favorites and knows no standard but the equal rights of the several peoples concerned.

It is to be remembered that these declarations by the responsible head of this Government carried beyond our own country and were made the basis of appeals by the allied Governments to their people, with whom we were making common cause to join in prosecuting the war.

These quotations might be greatly extended. But further citation is unnecessary. It is enough to say that these pledges were repeated as often and as long as their appeal was necessary, to enlist the man power of Ireland and other subject peoples in prosecuting the war against the Central Powers.

IRELAND WAS UNDER NO OBLIGATION TO SUPPORT GREAT BRITAIN, ALWAYS HER RUTHLESS OPPRESSOR.

I say, sir, that Ireland was under no obligation to England to aid her in the fight against the Central Powers. England had always oppressed Ireland. There had been a running and continuous contest and struggle between those two countries. English statesmen understood that if they were to enlist the aid of Ireland in that contest they must offer Ireland something substantial to induce her to make the sacrifice. They had nothing in the history of their dealings with Ireland upon which to appeal to her to send her sons forth to die for the allied cause, in which Great Britain's life almost, it might be said, was the stake. Listen to these words from Gladstone, England's great prime minister:

Every horror and every shame that could disgrace the relations between a strong country and a weak one is written upon almost every page of the history of our dealings with Ireland.

From the thirteenth to the seventeenth centuries Great Britain subjected Ireland to invasions, massacres, and oppression without parallel in the history of civilization.

Even David Lloyd-George understood that Britain had no claim on the Irish people for sacrifice or support in her struggle with the Central Powers, and deemed it wise to set the facts plainly before the British Parliament. On the 7th of March, 1917, he said:

Centuries of brutal and often ruthless injustice, and what is worse, centuries of insolence and insult have driven hatred of British rule into the very marrow of the Irish race. The long records of oppression, proscription, and expatriation have formed the greatest blot on the British fame of equity and eminence in the realm of government.

Under these conditions, the British Government was bound to make such pledges to Ireland as would quiet opposition and in so far as possible win her to the active support of the allied cause.

If the responsible ministry of Great Britain—the men who spoke for her with authority throughout the war—can bind the honor of a government, then Great Britain is pledged again and again to keep her word and grant Ireland the fullest measure of self-government. Here is the system to which Premier Asquith pledged his government:

An international system in which there will be a place for great and for small states and under which both alike can be assured a stable foundation and independent development.

He was setting forth the system for which England was fighting and in support of which he sought to enlist the aid of Ireland.

Mr. Bonar Law specifically indorsed the aims and objects of the war as declared by President Wilson. He said:

What President Wilson is longing for, we are fighting for.

Again he said:

America's aims and ideals are those of the Allies.

Premier Lloyd-George gave assurance in a note to President Wilson that:

The allied nations are fighting not for selfish interests, but above all to safeguard the independence of peoples, rights, and humanity. Their war aims necessarily imply the reorganization—

Of what? Of continental Europe? No—

of Europe, guaranteed by a stable régime and based at once on respect for nationalities and liberty of economic development possessed by all peoples, small and great.

But more than this—the Irish people were directly and positively assured of their independence by Great Britain, not once, but, at least twice, through official appeals published broadcast over Ireland with the authority of the British War Office. These official appeals are numbered G. 5.

I have before me here, not a copy, but one of the originals spread broadcast throughout Ireland in 1918 as the crisis and turning point in the great struggle was being approached. I hold in my hand a Government publication which has been recently received in this country directly from the commander in chief of the army of the Irish Republic. I have taken from it an extract which I wish to present to the Senate. The original which I have in my hand bears the imprint of Falconer, who was Government stationer to the Crown at Dublin. In the imprint it carries the number of the issue of this publication at that time; and, sir, attached to the upper edge of this publication is still to be found a part of the adhesive with which it was hung evidently in some window for general reading by the public.

Mr. President, I have only the original of the first of these official publications by authority of the War Office to secure enlistments in Ireland, from which I quote in my address. Listen to this, and bear in mind that the position taken by President Wilson and acquiesced in by Congress as to the purposes for which the war was being fought is taken as the text of these Government publications. Thereby attaches an obligation to this Government in some measure, at least, to see that it is carried out.

They quote, in this authorized publication by the British War Office, from President Wilson's utterances on the objects and aims of the war, and they make an appeal upon that basis. It is entitled:

IRELAND AND AMERICA.

America has ever been Ireland's friend, and close and affectionate ties bind both together. Ever since the great Republic of the West sprang into being, Ireland never looked for succor in vain to the great western Republic. If Ireland now disappoints America, she will be in a hopeless position.

I read further from that official publication. Listen to this, Senators, to this appeal and this pledge, based upon the attitude of our Government—this appeal made to the manhood of Ireland to go into the trenches and die for that cause, being assured that they were giving their lives ultimately for the independence of Ireland if the Allies were triumphant.

The Star-Spangled Banner is unfurled for the fight.

There is not the slightest ambiguity about the language of President Wilson:

"Territory, sovereignty, or political relationship—any or all of these—to be settled upon the basis of the free acceptance of that settlement by the people immediately concerned.

"The President also said:

"We are concerting with our Allies to make not only the liberties of America secure, but the liberties of every other people as well.

"No man can read these words without applying them to Ireland, as well as to Belgium, Poland, the Jugo-Slavs and the Ukraine. The Allies (and America clearly states this) can not undertake to free the peoples under Germany and Austria and leave other peoples under a system of government which they resent. America, speaking through its President, declares that 'the liberties of every other people are as valued and are to be made secure, aye, as the liberties of America.' Will Ireland fight for this freedom? America will see her rights are secured."

Mr. REED. Mr. President, I do not want to interrupt the Senator, but I understood the Senator a moment ago to say that these sentiments uttered by the President had been acquiesced in by Congress. Did the Senator mean to say that?

Mr. LA FOLLETTE. I mean to say that an obligation rests upon Congress to declare the aims and objects of war; that it has been so held by the highest authority; that in the absence of a declaration on the part of Congress of the objects of war the President is at full liberty to state them; and I deduce from that, I will say to the Senator, as a logical conclusion that if the Congress remains silent and acquiesces in the President's statements of the objects and purposes for which the war is being prosecuted, it is morally bound to support his position.

Mr. REED. I did not think the Senator had made the statement deliberately. I have great sympathy with the main theme of his address, but I do not want it to go undenied at this time that the President can make a speech and that that binds the

Congress and the people of the United States. I utterly repudiate that doctrine.

Mr. LA FOLLETTE. Mr. President, in reply I say just this: The President's position upon the freedom of small nations, the guaranteeing of the right to order their own lives, was not made in some unofficial speech. It was an official declaration repeatedly made to Congress; and never during the war will the Record show that any Senator rose in his place to question that we were fighting for exactly that thing while the war was in progress.

Mr. REED. Mr. President, the Record will show that I questioned it.

Mr. LA FOLLETTE. I shall be very glad to have the Senator specifically cite the instance and the time.

Mr. REED. I shall be glad to do it. I can not do it at this minute.

Mr. LA FOLLETTE. No, no; I understand. I shall be glad to have it supplied in the colloquy.

Mr. WALSH of Massachusetts. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. LA FOLLETTE. I do.

Mr. WALSH of Massachusetts. I understood the Senator to be reading a circular entitled "America and Ireland," which he said was issued by the British war office. Did I understand the Senator to say that?

Mr. LA FOLLETTE. The Senator correctly understands me.

Mr. WALSH of Massachusetts. Is the circular of which the Senator has a photograph signed?

Mr. LA FOLLETTE. I will say to the Senator that this is not a photograph. This is the original publication, and bears the imprint of the Government official who issued it. It was received by the organization supporting Irish freedom in this country directly from the commander in chief of the army of the republic of Ireland.

Mr. WALSH of Massachusetts. So the circular was issued, not by the British war office but by the Irish republican war office?

Mr. LA FOLLETTE. No, no, no; the Senator entirely misunderstands me.

Mr. WALSH of Massachusetts. Who issued that circular?

Mr. LA FOLLETTE. It was issued by the authority of the British War Office in October, 1918.

Mr. WALSH of Massachusetts. And distributed throughout Ireland?

Mr. LA FOLLETTE. And distributed throughout Ireland. Who was in possession, I will ask the Senator, of the government of Ireland at that time? It was the British; and I am informed this circular was issued by Falconer, Government stationer to the Crown in Dublin, as I stated before.

Mr. WALSH of Massachusetts. So the Senator is trying to develop the argument that the British authorities themselves during the war made pledges through circulars like this to the Irish people?

Mr. LA FOLLETTE. Most assuredly.

Mr. WALSH of Massachusetts. What I want to know is what evidence the Senator from Wisconsin has that that circular was written and distributed by the British War Office?

Mr. LA FOLLETTE. I have the original here, bearing the official imprint.

Mr. WALSH of Massachusetts. Exactly.

Mr. LA FOLLETTE. I state on my authority as a Senator that it was received directly by messenger from the commander in chief of the army of the Irish republic.

Mr. WALSH of Massachusetts. And he got it from British sources?

Mr. LA FOLLETTE. He could have obtained it anywhere. It could be obtained. It was hung as a poster in thousands of windows in Ireland. It was circulated broadcast, and, as I said a moment ago, this particular copy I have here shows that it evidently has been attached to some window with a piece of adhesive.

Mr. WALSH of Massachusetts. What is the imprint on it which shows it is from the British War Office?

Mr. LA FOLLETTE. It bears this imprint:

(417.) Wt. 5626. 3. 20,000. 10/18. Falconer. G. 5.

Mr. REED. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LA FOLLETTE. I yield, of course.

Mr. REED. I do not want to be misunderstood. Of course, while I maintain that nothing which the President said in the way of an address to the Congress or to the country binds the country or binds the Congress, I nevertheless emphatically

assert that if this circular was sent out by authority of the British Government it binds the British Government, if it came with proper authority. I was only speaking of the other phase of the question.

Mr. LA FOLLETTE. Mr. President, I have examined carefully the authorities upon the right to declare the objects and purposes of war, and so far as any authority which it has been possible for me to find upon that subject is concerned, it has been held, by such men as Webster and Clay, that in the absence of a declaration by the President of the objects and purposes of the war, the President may properly declare them.

Mr. REED. Mr. President, I shall want to discuss that at some other time.

Mr. LA FOLLETTE. I understand; but I am simply stating the position which I contend the authorities support.

Mr. NORRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LA FOLLETTE. I yield.

Mr. NORRIS. I would like to suggest to the Senator from Wisconsin, and also to the Senator from Missouri [Mr. REED], that it seems to me this doctrine is unassailable, regardless of the authority of President Wilson to bind this country as to this aid. If when he had made those statements, for the sake of the argument admitting he was without authority, Great Britain as a Government repeated those statements and used them for the purpose of recruiting soldiers in Ireland or any other country, Great Britain at least is bound by them, just the same as though President Wilson had given them with full authority and without dispute.

Mr. REED. That is what I tried to say a moment ago.

Mr. LA FOLLETTE. Yes; and a moral obligation, I shall contend, rests upon us when we turn loose in the currents of discussion a pledge of that sort for the people to enlist and to fight and to die for a cause which we have stated will be attained and made secure by such sacrifice. When our name has been used to invite men to make the supreme sacrifice we have some obligation to see, at least in so far as we can without violating our traditional policies, that that pledge shall be carried out.

I shall not argue either now or later that we should intervene with military force to make Ireland free, but I am contending that upon every obligation which should control men and nations, we should pass the resolution now before the Senate.

Mr. ROBINSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. LA FOLLETTE. I yield.

Mr. ROBINSON. If I understand correctly the trend of the Senator's argument, he is attempting to show that by public authority both the United States and Great Britain held out to the people of Ireland, as an inducement for them to engage enthusiastically in the prosecution of the war, that liberty was in sight at the end of the war.

Mr. LA FOLLETTE. That is it.

Mr. ROBINSON. And that the President of the United States, having made a declaration of the purposes of the war, embracing within those declarations liberty to the people of Ireland and other peoples, and the Congress having made no declaration upon the subject, we now are entitled to take that fact into consideration, along with all the other facts and circumstances in the case—

Mr. LA FOLLETTE. And into most weighty consideration, for it bears an obligation with it.

Mr. ROBINSON. In determining whether or not the Government of the United States and the Government of Great Britain are in sympathy with the aspirations of the people of Ireland.

Mr. LA FOLLETTE. Exactly. That states the position I am taking, except that I go further than that. I say it carries with it an obligation on this country to express more than its sympathy with the cause of Ireland; that it should affirmatively say that Ireland ought to be free.

Mr. NORRIS. I hope the Senator will not neglect to finish the quotation.

Mr. LA FOLLETTE. I am coming right back to it. In order to make sure that I shall present the essential parts of this to the Senate, I shall read it, if I am permitted to, without interruption, and without any interpolation upon my part. I read from the circular, as follows:

The Star-Spangled Banner is unfurled for the fight. There is not the slightest ambiguity about the language of President Wilson: "Territory, sovereignty, or political relationship—any or all of these—to be settled upon the basis of the free acceptance of that settlement by the people immediately concerned."

The President also said:

"We are concerting with our allies to make not only the liberties of America secure but the liberties of every other people as well."

No man can read these words without applying them to Ireland as well as to Belgium, Poland, the Jugo-Slavs, and the Ukraine. The Allies (and America clearly states this) can not undertake to free the peoples under Germany and Austria and leave other peoples under a system of government which they resent. America, speaking through its President, declares that "the liberties of every other people" are as valued and are to be made secure, as the liberties of America. Will Ireland fight for this freedom? America will see her rights are secured.

I am not able to present an original of the second appeal published throughout Ireland with authority of the British War Office, but I read this extract from what I believe the most reliable authority to be an exact copy of it, and take all responsibility that goes with its presentation to the Senate. It is No. 2. It is entitled "Ireland and the Peace Conference," and it reads:

The Allies declare in specific terms that they are out to give freedom to small nationalities. The Central Powers—Germany and Austria—refuse to declare any such thing, and their treatment of Belgium, Serbia, Montenegro, and Rumania in the present war is enough to show their principles and method. But they go further and ask the Allies to agree to close out all nations not in the enjoyment of freedom prior to the war. The Allies refuse. Is it not in the interest of Ireland then to test the public declarations of the Allies, and aid them in the fight they are waging for small nationalities? They can not then in the face of Europe give freedom to all the small nations and leave Ireland out.

Apprehensive that Irishmen would look with suspicion, born of experience in dealing with the English Government, upon unsupported British pledges, the British War Office copied the pledges of the President of the United States, and made them the basis of British pledges. Moreover, the British War Office expressly declared that America would see that the rights of Ireland were enforced and made secure.

Accepting Great Britain's word with the United States as a guarantor for the fulfillment of her pledges, Ireland responded with 300,000 men, to face death in the trenches for the Allies under the British flag, to "aid them in the fight for small nationalities," under the specific pledge that Ireland was fighting to be as free as America.

Mr. REED. Who issued the second circular?

Mr. LA FOLLETTE. It was issued with the authority of the British war office. Mr. President, for Great Britain to break that pledge is to write the last chapter of infamy in her policy toward Ireland; and for the United States to remain silent in this great hour of the struggles of a people for liberty and self-government, when we and our attitude in the war have been an inducement to them to make the supreme sacrifice, under the assurance offered by this Government that all who fought were fighting for liberty and the right to choose their own way of life and of obedience in Government—I think for us to remain silent now is practically to repudiate our pledges and to become a supporter of British oppression. I believe that it is the duty of this Congress to declare that Ireland ought to be recognized as an independent government, and I proceed now to establish, as I believe I am able to out of the facts, that she has a government which is entitled to recognition.

PART IV. PRESENT SITUATION IN IRELAND.

This leads me to a consideration of conditions as they exist in Ireland to-day.

Six times within the last hundred and thirty years the Irish have asserted by armed force their right to independence from the British Government.

In 1783, 1798, 1803, 1846, and 1867 Ireland was a battleground for freedom as she is to-day.

In 1914 the Irish Home Rule act was passed by the House of Lords and the House of Commons and signed by the King. Under the leadership of Sir Edward Carson, the British Tories suspended that act for the duration of the war, and it was later rendered void by a superseding act which partitioned Ireland.

In 1916, 1,000 Irishmen, inspired by Irish poets and teachers, and officered by leading business and professional men, national labor leaders, and farmers, rose in rebellion. Additional troops were dispatched to Ireland, and in May, 1916, the signers of the Irish declaration of independence were executed.

IRISH REPUBLIC ESTABLISHED.

At the conclusion of the war, in December, 1918, the founding of the Irish Republic became the issue in the general election of Ireland, held under British auspices. Those who voted for the nominees of the Sinn Fein Party knew that they were voting for complete independence and for the establishment of a republic. It was a national referendum on the question of self-government.

The result of the election was overwhelming. Of the 101 elected representatives in 1918, 72 belonged to the Sinn Fein Party, standing unequivocally for an independent republic; 6 belonged to the old parliamentary party, favoring independence, but delay in its attainment; 21 belonged to the Unionist Party proper, and 2 were Independent Unionists. In other words, Ireland voted by a majority of nearly 3½ to 1 against union with England, and the Sinn Fein Party alone secured a majority of practically 2½ to 1 over all its adversaries combined.

In all Ireland there are 32 counties. In no county was a solid Unionist representation elected. In 4 counties only did the Unionists poll even a majority. The Republicans, on the other hand, polled a majority in no less than 27 counties, and secured the entire representation in 24. In Ulster itself, outside of the county of Antrim, in which Belfast is situated, 14 Republican representatives were elected as against 10 Unionists. In the county of Antrim 12 of the 13 representatives elected were Unionists. In the popular vote 311,210 votes were cast for union with England, out of a total of 1,518,898, so that but 20 per cent of the total vote was recorded for union with England. Of the total vote for union, one-half of the votes were cast in the single county of Antrim.

The representatives elected by the Irish Republicans in fulfillment of their pledge met in congress in Dublin, organized a government, nominated officers, created an Irish army, and on January 21, 1919, the new government proceeded to function.

Even David Lloyd-George, the British prime minister, is obliged to admit the unanimity of Irish sentiment for independence.

Addressing the House of Commons, in April, 1920, the British prime minister said:

If you asked the people of Ireland what they would accept, by an emphatic majority they would say, "We want independence and an Irish republic." There is absolutely no doubt about that. The elected representatives of Ireland now by a clear, definite majority have declared in favor of independence—of secession.

Such was the interpretation placed upon the election in Ireland of December, 1918, by the prime minister of Great Britain.

In January, 1920, municipal and urban elections were held. Each of these elections resulted in an overwhelming victory for those who favored an independent republic.

It is the policy pursued by the Imperial British Government to meet this situation, which is responsible for the appalling conditions existing in Ireland to-day.

IRISH REPUBLIC A DE FACTO GOVERNMENT.

The British Government maintains in Ireland to-day only the sovereignty exercised in Belgium by the invading armies of Germany. In fact, the actual sovereignty of Great Britain in Ireland is less, for whereas the Belgian Government was obliged to flee from Belgian soil and for the time to submit to all the decrees of the German military commanders, the Irish government continues to function under the very eyes of the British Army, obliged, it is true, sometimes to perform its acts in secret, but at all times commanding the loyalty of the people of Ireland and defying the British rule.

We may view this question from the standpoint of political philosophy or from the standpoint of cold fact, but in either case the conclusion must be the same, that the only government functioning to-day in Ireland and commanding the allegiance of the Irish people is that of the republic of Ireland, established in accord with the direct mandate of an overwhelming majority of the Irish people at the elections of December 14, 1918.

From the philosophic standpoint we as Americans need to ask but one question, "What is the will of the people of Ireland?" The answer to this question has been unequivocally expressed at three separate elections, the results of which I have already reviewed.

In all the history of the world no Government ever held a stronger sanction from its people than the Republic of Ireland. In all Europe to-day there is no Government which commands the support and undivided loyalty of so large a proportion of the population as does the Irish Republic. That the Republic of Ireland is a government de facto can not be successfully questioned.

But, it may be said, granting that the people of Ireland have unmistakably expressed their will for the establishment of a republic, have they been able to assert their will and bring into being an organized government which has the elements of stability necessary for recognition? Upon this point I believe that the admitted facts will satisfactorily answer every reasonable doubt.

The first fact with which we are confronted is that the British Government has ceased to function in Ireland except

as a military force. As early as the summer of 1920 Lord Grey declared that the British Government in Ireland has become "almost nonexistent." Referring to the "helplessness" of the British authority in Ireland, he said more recently that British authority "has apparently ceased."

The situation in Ireland at the present time has been well expressed by Gilbert K. Chesterton, who in a signed article in the Manchester Guardian of March 6, 1921, says:

There are two broad impressions about the English in Ireland to-day which are bewildering the whole world.

The first is that England has abandoned the government of Ireland. What we are conducting now is not government at all. It does not really profess to be government at all. It is, at the very best, war, and a very wild sort of war.

And the second is that the war is of the particular sort now generally called Prussian war, and the English are still blowing with a recent and quite real indignation against it, when it was practiced by Prussia. * * * The principle of reprisals is the very opposite of the principle of law and order. Law is based on the idea that the criminal can be punished; reprisals are based on the idea that he can not be punished. * * * That is what we mean in any time or place by ruling anybody or anything; the very word means that we can punish whom we wish to punish and spare those whom we wish to spare.

When we can no longer do that we are not merely ruling badly, we have simply ceased to rule. * * *

But we are not ruling Ireland. We are simply raiding Ireland, exactly as men raid across a frontier, and this first fact is of considerable concern in foreign policy.

Lord Bryce has expressed the same idea in different language:

We can not contemplate holding Ireland down forever by force and terror, but the policy now being pursued makes it every day more difficult to hold it by any other means.

Throughout the greater part of the island the British civil government has entirely collapsed, and the only government existing is one similar in every detail to the military government English critics maintained was established by the German Gen. Von Bissing after the invasion of Belgium in 1914. The few British civil officials, such as the Lord Lieutenant of Ireland, who still remain, exercise no functions and dare not appear in public. The people of Ireland refuse to pay either local taxes or income taxes to the British Government, and instead voluntarily pay their taxes to the officials of the Irish Republican government.

The British courts entirely ceased to function during the autumn of 1920 and were superseded by the Sinn Féin courts, to which not only the Irish but also British corporations resorted and secured justice and decrees which were enforced. Later the British courts were brought back to perform a part of their functions by reason of the fact that the Irish decided to use them as tribunals in which to establish their claims for property damages maliciously inflicted by the Imperial British forces amounting to some \$30,000,000. Hundreds of these claims have actually been adjudicated in the British courts, and with few exceptions substantially full damages have been allowed. Thus at the quarter sessions for the county of Clare there were 139 cases in which it was proved that criminal injuries to the property and persons of Irishmen were committed by the armed forces of the British Government, and awards of damages amounting to £187,046 were allowed by the court. The results in other courts were similar in character and amount. As a result and in proof of my contention that the only semblance of British authority in Ireland to-day is a military tyranny, a military proclamation has within the past two weeks been issued prohibiting courts of justice in Ireland from hearing claims for compensation for malicious damage to property caused by the Crown forces. This proclamation is dated April 16, 1921.

But, it may be said, does not the fact that the Irish people have appeared in British courts and participated in British elections constitute proof that they acknowledge the de facto sovereignty of the British Government; even though they have used these British institutions for their own advantage? This argument can not be sustained. By their use of the British courts and the machinery of the British elections for their own advantage the Irish have proved not only their moral but their actual supremacy more unmistakably than it could have been proved in any other manner. If my enemy has a gun the natural assumption is that he is the master of that gun and will use it to compel me to do his will. If I am able to take my enemy's gun from him and turn it against him for my own advantage, is not that proof that I am the master and not he?

We come now to the actual functioning of the Irish Republican government. This government was established in April, 1919, when the elected republican representatives of the Irish people met in Congress (Dail Eireann), formally proclaimed Ireland's independence, and set up a national executive, which immediately proceeded to function.

The government of the republic of Ireland is conducted under the central administration of a cabinet, consisting of the president and ministers of state for home and for foreign affairs, for national defense, for finance, for local government, for industries, for labor, for agriculture, and for education, with supplementary directors of trade and commerce, of fisheries, of forestry, and of information. Each of these departments is now actively functioning, and has been so functioning without interruption since April, 1919.

The minister for foreign affairs is prosecuting Ireland's claim for recognition as a sovereign and independent state through a number of diplomatic missions to foreign peoples and Governments.

The minister of defense has organized a disciplined army of volunteers known as the Irish republican army, which, according to the affidavit of Gen. Sir Nevil Macready, the commander in chief of the British forces in Ireland, "are organized as a trained and disciplined military force under a scheme modeled on the former organization of the British Army, divided up into brigades, battalions, and companies." It was upon the basis of this affidavit, executed by Gen. Macready, that the Court of the King's Bench upon February 24, 1921, judicially declared that a state of war existed in Ireland.

The minister of finance has floated a considerable loan, both domestic and foreign, for the general purposes of the government, and in particular for the economic development of the country. Arrangements have also been made for the payment to the agents of the minister of finance of the taxes assessed for local and national purposes, and these taxes have been paid willingly by the people of Ireland except where they have been forcibly prevented by British soldiers. The confidence reposed in the republican government by the people of Ireland is evidenced by the fact that the domestic loan was oversubscribed by one-half, in spite of the fact that Great Britain had made it a penal offense to participate in this loan. The sum of 250,000 pounds sterling was asked from the Irish people and they gave 370,000 pounds sterling.

The minister of local government coordinates the work of the municipal and rural councils and controls through these democratically elected bodies the administration of all the local affairs of the nation. The minister of industries and the director of trade and commerce have caused a survey of Ireland's economic resources to be made, with a view to their proper utilization along cooperative lines for the benefit of the nation; and they are developing closer trade relations with foreign countries through the consular service. The ministry of labor is particularly concerned with the advancement of schemes for the proper housing of the workers, the question of unemployment, and the arbitrament of industrial disputes.

The minister of agriculture has organized a land bank to finance the agricultural industry of the country. Through the agency of this bank several large grass ranches have been divided into economic holdings and allotted to farmers and laborers cooperatively organized. The ministry actively aided the director of forestry in instituting an arbor day movement for the planting of waste lands throughout the country. The minister for home affairs has organized a national judiciary and a policy force. The rulings of the land courts on the intricate questions arising out of the land problems have brought about a cessation of the land unrest endemic in certain parts of Ireland in recent years. It was of these land courts that a dispatch to the New York Tribune of April 16, 1921, said:

The Dail Eireann's department of agriculture is dealing with what is regarded as the most important work of the Irish republican movement—the alienation of land from the large estates of landlords and its distribution among small farmers who have not enough land to earn a living. Since last April * * * the "land judges" have dealt with 229 cases, involving about 50,000 Irish acres. In 83 of these cases 20,875 acres were "alienated"—that is, taken by decree from big estates and sold to small farmers who were able to prove that they did not possess sufficient land to provide a living for themselves and their families. In 67 cases judgment was given against the "claimant," the farmer, in favor of the "resister," the landlord with the big estate.

The department of education is promoting a general scheme of national education, and has taken over and now directly controls technical schools and other educational institutions.

The fisheries department is attending to the special needs of the fishing industry. A chain of cooperative societies has been formed amongst deep-sea fishermen, and the department is aiding these societies financially to secure motor-driven boats and essential equipment. Its inspectors see that the necessary technical knowledge is made available for those employed in the curing and marketing of the fish. The other departments similarly promote the national interests directly in their charge, working in close association with all interested in their respective spheres.

The functioning of the republican government is seen also in its legislative acts and in the obedience rendered to them. Both the English Government, through Dublin Castle, and the Irish republican legislature are issuing laws and decrees. But the laws and regulations of Dublin Castle are purely repressive and destructive and are principally honored in the breach, whereas the laws of the Irish legislature are constructive and are observed. One hundred and fifty thousand soldiers can not enforce English laws upon an unwilling population, whereas the force of public opinion has served to obtain a nearly full measure of obedience for Ireland's own laws.

The administration of justice and the maintenance of civil order is another test of actual government. That Irish courts administer justice to the practical exclusion of the English courts is a matter of universal knowledge. The following extract from the account of the Manchester Guardian's special correspondent, published in the weekly edition of July 9, 1920, page 32, bears testimony to this fact:

Of all the activities of Sinn Fein none has come more closely before the public in recent months than the work of the republican courts in administering justice and keeping civil order. * * *

One is able to give from authoritative sources some account of the machinery of these courts, which are suppressing the ordinary official courts over a great part of Ireland, and are attracting to them Unionist landlords, solicitors, and barristers. They are held in 26 counties, but are to be found working most completely and effectively in the west.

When Lord Mayor MacSwiney, of Cork, was arrested, he was presiding at a court of the republic adjudicating in a case in which an English insurance company was the plaintiff.

The last step toward complete self-government was taken when, during the early part of the present year, the British Government cut off the grants to the local governments of Ireland, payable out of the funds already paid into the English exchequer by the Irish people, and the Irish republicans proceeded to arrange for the maintenance of the municipal and county services out of tax funds collected directly by their own agents.

Thus the government of the republic is functioning and claims recognition not only because it is the legitimate and rightful government of the Irish people, the only government with the democratic sanction of the consent of the governed, but also because it is also the actual government in Ireland.

Within the last month the taking of the regular decennial census of Ireland by the British Government was prohibited by a decree of Dail Eireann and the British Government for the first time in history abandoned the attempt.

I challenge any advocate of Great Britain to point to a single function of civil government now being exercised in Ireland by the British Government or to any function of government which is not being performed by the republican government instituted by the people of Ireland in spite of the opposition of overwhelming armed Imperial forces.

AMERICAN COMMISSION ON CONDITIONS IN IRELAND.

We have had sitting in Washington for the past two months a commission on conditions in Ireland. This commission was created by a parent body, the Committee of One Hundred on Ireland, called together through the good offices of the New York Nation, who invited participation of every United States Senator, the governor of every State, the mayors of the large cities, college presidents and professors, every Methodist, Protestant, Episcopal, and Roman Catholic bishop, the editors of the metropolitan press, and prominent citizens in every field of activity. As finally selected from 150 responses to this invitation, the Committee of One Hundred consists of 5 State governors, 11 United States Senators, 13 Congressmen, the mayors of 15 large cities, Archbishop Keane, 4 Roman Catholic bishops, 7 Protestant Episcopal bishops, 4 Methodist bishops, and clergymen, editors, business men, priests, educators, and labor leaders.

The Committee of One Hundred selected as the members of the commission to investigate conditions in Ireland Miss Jane Addams, C. L. Knight, Maj. Albert P. Newman, James H. Maurer, Frederic C. Howe, Norman Thomas, L. Hollingsworth Wood, Senator David I. Walsh, and Senator George W. Norris.

This commission, selected by a parent body representative of every phase of American life, proceeded to investigate conditions in Ireland. What did it find?

The report of the commission, which I believe is now in the hands of every Senator, reveals conditions of barbaric cruelty and oppression which are almost beyond belief, but so thoroughly are its charges supported by evidence and documents that no unprejudiced man or woman can read it without being convinced of its truth.

I shall not attempt to paint for you the picture of terror and desolation shown to exist in Ireland. That will be done much

more ably and with absolute knowledge by the Senator from Nebraska [Mr. NORRIS], a member of the commission, when he addresses you upon the subject of his resolution. Let me read you merely the conclusions which the American Commission on Conditions in Ireland reached at the end of its investigations:

1. The Imperial British Government has created and introduced into Ireland a force of at least 78,000 men, many of them youthful and inexperienced, and some of them convicts; and has incited that force to unbridled violence.

2. The Imperial British forces in Ireland have indiscriminately killed innocent men, women, and children; have discriminately assassinated persons suspected of being Republicans; have tortured and shot prisoners while in custody, adopting the subterfuges of "refusal to halt" and "attempting to escape"; and have attributed to alleged "Sinn Fein extremists" the British assassination of prominent Irish Republicans.

3. House burning and wanton destruction of villages and cities by Imperial British forces under Imperial British officers have been countenanced and ordered by officials of the British Government, and elaborate provision by gasoline sprays and bombs has been made in a number of instances for systematic incendiarism as part of a plan of terrorism.

4. A campaign for the destruction of the means of existence of the Irish people has been conducted by the burning of factories, creameries, crops, and farm implements, and the shooting of farm animals. This campaign is carried on regardless of the political views of their owners, and results in widespread and acute suffering among women and children.

5. Acting under a series of proclamations issued by the competent military authorities of the Imperial British forces, hostages are carried by forces exposed to the fire of the Republican army; fines are levied upon towns and villages as punishment for alleged offenses of individuals; private property is destroyed in reprisal for acts with which the owners have no connection; and the civilian population is subjected to an inquisition upon the theory that individuals are in possession of information valuable to the military forces of Great Britain. These acts of the Imperial British forces are contrary to the laws of peace or war among modern civilized nations.

6. This "terror" has failed to reestablish Imperial British civil government in Ireland. Throughout the greater part of Ireland British courts have ceased to function; local, county, and city governments refuse to recognize British authority; and British civil officials fulfill no function of service to the Irish people.

7. In spite of the British "terror" the majority of the Irish people, having sanctioned by ballot the Irish republic, give their allegiance to it, pay taxes to it, and respect the decisions of its courts and of its civil officials.

But it may be said, this is the report of a commission which for the most part heard only the evidence of Irish witnesses and sat 3,000 miles from the seat of warfare. To this I reply that you may take only the evidence presented to the commission by English witnesses, and the official documents of the British Government, and with them sustain every charge and every conclusion of the commission. I further assert that the evidence upon which this commission's report is based is far stronger and better authenticated than that of the famous Bryce report upon alleged German atrocities in Belgium. The Bryce witnesses were not only ex parte—they were anonymous and their testimony was in large part hearsay. The evidence of the American commission on conditions in Ireland was the testimony of eyewitnesses presented in public with full knowledge that any misrepresentation in their testimony would be vulnerable to attack. It is worthy of note that while the British ambassador has denied the accuracy of the commission's findings, neither he nor any of the apologists for Great Britain has challenged the testimony of any witness. Finally, the failure of the commission to secure evidence on the very site of the ravaged and desolated cities and villages of Ireland was due to the refusal of the British ambassador himself to give visas to passports to visit Ireland which had been issued by the American Government after thorough investigation.

Mr. President, there came to me this morning a clipping from the London Times of April 8, 1921. It think it furnishes some evidence directly out of the news offices of the strongest supporter of the British Empire. This dispatch is dated Dublin, April 7, and is as follows:

[From our own correspondent.]

DUBLIN, April 7.

Remarkable evidence was given to-day at a military inquiry at the Dublin City Hall into the circumstances under which Christopher Reynolds, a civilian, lost his life. Reynolds and another man, named Nolan, were arrested at Rathfarnham, near Dublin, last Friday night. They were taken away in a lorry, and later in the night were brought to the military hospital suffering from shot wounds. Reynolds died on the following day. Representatives of the next of kin and members of the press were admitted to the inquiry.

The first witness told the court that she and her father, mother, and the man Reynolds were in their house at 11 o'clock on Friday night, when the door was knocked and five men dressed in dark uniforms and peaked caps entered. One of them wore a waterproof coat with a belt and another wore an officer's khaki uniform. They followed her upstairs to a room in which were her mother, her brother, and her father, who was ill. The man with the waterproof coat said to her brother, "You are the man we want," and asked him for his revolver. Her brother replied that he had no revolver. Afterwards her brother was taken away. As he was going her mother asked the men if they had mothers, and the man in the raincoat replied: "Yes; six or seven mothers. Mothers be damned."

The next witness stated that the man with the raincoat said that he would blow out her son's brains if he did not give up his revolver. When they were leaving she asked the men, "Are you taking my son from his dying father?" And a man replied, "Dying father be damned. They are all dying now." She said, "Have you no mother of your own?" And the same man replied, "Yes; four or five mothers, but not one like you to rear sons to murder."

The third witness stated that in hospital next day the man Reynolds said, "I was shot on the Rathmines Road opposite the post office. They stopped the lorry, and the military asked if the prisoners were all right. We said, 'Yes.' We were told to stand up, and were shot at. We fell out on the road. After some time we were put back in the lorry and taken to hospital."

The court then adjourned to the King George Hospital to take the evidence of Bernard Nolan, who was wounded at the same time as Reynolds.

Anyone who has taken the pains to read the testimony taken by the commission on conditions in Ireland will find scores and scores and hundreds of recitals of this same sort coming from the lips of witnesses whose integrity can not be questioned. I ask leave, without taking the time to read it, to put into the RECORD an account from to-day's New York Times of the execution of a number of Irishmen by the military.

The VICE PRESIDENT. Without objection, the article will be included in the RECORD.

The matter referred to is as follows:

[From the New York Times of April 26, 1921, this morning. This paper has never been accused of Irish propaganda.]

(Special cable to the New York Times Co.)

DUBLIN, April 25.

Thomas Traynor, aged 40, shoemaker, who was convicted by court-martial for participating in an ambush here on March 14, in which two cadets were killed, was executed in Mountjoy Prison this morning. His wife and 10 children stood among the great crowd outside the prison gates. Hymns were sung and prayers offered for the doomed man. There were heartrending scenes when the notice of execution was posted on the gates.

Early in the morning a great crowd, chiefly women, assembled in the square before the prison. The rosary and prayers for the dead were recited and hymns were sung. A large crucifix draped with crepe was hung on the jail wall and lighted candles were placed on the arms of the cross.

At 6 o'clock Mrs. Traynor, the wife of the condemned man, arrived at the gate with a number of relatives and friends. She remained there with her rosary beads in her hands until the sentence had been carried out. Her 10 children, brothers-in-law, and sisters-in-law, with many other relatives, were also early arrivals and remained close to the gate.

A large contingent of the Gaelic League marched to the jail and stood four deep in line. They kept their formation until 8 o'clock, and during their time of waiting recited the rosary in Irish, the crowd kneeling on the ground around them.

Just before the bell tolled some of the prisoners in Mountjoy jail waved their hands at the crowd outside. It may have been a signal that the condemned man had been removed for execution.

WOMAN TEARS DOWN NOTICE.

The door of the prison was suddenly opened and a warden appeared with a slip of paper in his hand. It was the official announcement that the execution had taken place. He attempted to affix it to the gate, but a woman tore it out of his hand before he could do so.

"The Lord have mercy on the man," she shouted. No one could see the notice. It disappeared and could not be found, and the crowd gradually dispersed.

Most of Traynor's relatives visited him on the night before the execution. He had something like 50 visitors. His mother said when she left that he was in good spirits.

"I am proud of my son," she said, "proud he is going to die for Ireland and glad he will at least be buried in Irish ground."

A brother carried Traynor's 5-months-old baby to him in prison. His last words to his family were, "Don't fret about me, but carry on."

Mr. LA FOLLETTE. But we need not rely solely upon the report of this American commission. Let us invoke none but English sources of information and opinion. First let me read you the final conclusion of the British labor commission, which did visit Ireland and which did examine witnesses of all shades of opinion. The British Government has not challenged the truth or accuracy of this labor commission's report. I quote from the report as follows:

We can not close this report without an appeal to the British labor movement and to the British public. Things are being done in the name of Britain which must make her name stink in the nostrils of the whole world. The honor of our people has been gravely compromised. Not only is there a reign of terror in Ireland which should bring a blush of shame to every British citizen, but a nation is being held in subjection by an empire which has proudly boasted that it is the friend of small nations. Let the people of Britain raise their voices in a united demand for the rescue of the Irish people from the rule of force and for the establishment of peace and freedom and a new brotherhood between the peoples of the British Isles. Only by repudiating the errors of the past and infamies of the present can the democracy of Great Britain recover its honor. Only by granting to Ireland the freedom which is her due can our people fulfill their great responsibilities toward our sister nation.

If this finding of the British labor commission is not enough, let us turn to more conservative sources of British opinion.

I now present a list of direct quotations from eminent Englishmen and Englishwomen—most of them of the Conservative Party—commenting on the British policy in Ireland:

OPINIONS OF ENGLISH LEADERS ON BRITISH POLICY IN IRELAND.

ARCHBISHOP OF CANTERBURY. What is now being done is exactly what we condemned the Germans for in Belgium. When the Germans perpetrated cruelties in Belgium it was said that the German people could not be blamed, and the reply was that the German people acquiesced. Exactly the same charge can be brought against the British people if they acquiesce without protest in what is being done in Ireland to-day. (Address in House of Lords, Feb. 22, 1921.)

VISCOUNT BRUCE (former ambassador to the United States). Ireland is being treated as an enemy whose population is presumed to be hostile. We hear daily of cases in which persons are shot at random, or persons not caught red-handed and against whom no evidence is produced, have been shot without trial. Many cases of houseburnings and wanton destruction and downright robbery have been admitted. * * * Neither can we afford to ignore the public opinion of other countries. Eminent Americans—warm friends of England—tell me: "It is not the Irish propaganda in the United States that is hurting you there; we are accustomed to that, and we discount it. It is the impression which the news of what is daily happening in Ireland makes upon native Americans who have always been your friends and who know that you can not yield to the demand for Irish independence." Everywhere—in Australia, in Canada, and on the European Continent—the old reputation of Britain for justice and statesmanship is being tarnished, and her influence in the world is suffering. (Letter to London Times, Feb. 25, 1921.)

VISCOUNT GREY (special ambassador to the United States). There is talk of a possible future war and, of all things in the world, a possible war between England and the United States. I am one of those who think there would be little pleasure or interest in living in this world if there was war between the United States and England. Cordial relations and cooperation between these two countries will do more than anything else to benefit the whole world. But this question should be handled, especially now, not as one of sentiment, but with regard to certain plain facts. There will be no real cordiality so long as the Irish question remains where it is. It is idle to discuss British-American relations without having that fact in our minds and recognizing it openly. (Address on Feb. 22, 1921.)

HON. HENRY HERBERT ASQUITH (former prime minister of Great Britain). While this make-believe (the home rule bill) was being pushed through both houses of Parliament, Ireland itself, as you know, was being subjected to an administrative tyranny which for shortsightedness and for cold-bloodedness—there is no question of hot blood about it—has no parallel even in the annals of our almost persistent mishandling of the affairs and fortunes of that unhappy country. (Address before convention of University Liberal Societies, Jan. 7, 1921.)

Rev. DUNCAN C. MACGREGOR (moderator of the Presbyterian Church of England). The result of the present policy is that British rule is a byword and a scoff in every country in Europe and across the Atlantic. One might despise the infamous cartoons that appear in the comic papers of every language. They are detestable; but the worst is they are partly true. For the good name of Britain is it not high time that these crimes, committed in the name of law and order, should cease? Voices of vastly greater authority than mine have uttered their solemn protest, as yet without effect. I wonder whether the whole Church of God can not speak with united voice on so clear and crying a moral issue as this.

Mr. REED. Mr. President, who is speaking?

Mr. LA FOLLETTE. Rev. Duncan C. MacGregor, moderator of the Presbyterian Church of England.

Lady Bryce (chairman), Lady Frances Balfour, Lady Robert Cecil, Lady Henry Somerset, and others, on March 10, 1921, issued the following statement as a call for a protest meeting of several thousand representative British women:

As women citizens, to whom the principles of humanity and of national morality should be peculiarly important, we believe that the system of reprisals practiced in Ireland is uncivilized and un-Christian.

Maj. Gen. Sir F. MATRICE: The result is that our methods in Ireland differ only in degree but not in kind from the methods of the Germans in Belgium. Our national honor is impugned and the honor of the army is smirched, for these outrages are attributed often indiscriminately to the forces of the Crown in general, and foreigners, nor indeed many Irishmen, do not distinguish between the Black and Tans, the Auxiliaries, and the regular troops. (Signed statement in London Daily News, Feb. 21, 1921.)

Lady Sykes, who had been an eyewitness to many of these outrages, in a letter to the London Times, February 21, 1921, said:

No crimes or bloodshed committed by the Irish can excuse the methods now being employed by the Government to enforce obedience to English rule and to break the national spirit of the people. The accepted laws of Christianity and civilization have been set aside, and in their place an attempt is being made to crush the Irish people by methods identical with those employed by the Germans in Belgium, and universally condemned. I have seen for myself some of the destruction wrought by the forces of the Crown, official and unofficial reprisals, upon the Irish population; I have seen the ruins in Cork city, the blackened remains of creameries, of cooperative stores, of houses, in towns and country villages. I have spoken with the mothers of sons who have been shot at sight, without trial. I have seen in a prison hospital a boy of 18 against whom there was no charge, who had been beaten about the head and body with the butt-ends of rifles till unconscious. I have heard from the lips of a sergeant of police that the place where he was stationed was quiet, but that he had just been out to a village near with some of his men to give a dozen young fellows a good beating. These things are happening daily, and of the brutal and frequent murders committed by the "Black and Tans" no mention is allowed to be made in the English press.

BISHOP OF SOUTHWARK. There is no nation in the world to-day that does not condemn us for our treatment of Ireland. * * * The present conditions in Ireland are bringing disgrace on the British name throughout the world. (Sermon at St. Swithin's Church, Feb. 20, 1921.)

Gen. Sir Hubert Gough was one of the strongest Ulster men in 1914. He printed in the Dublin Freeman's Journal, March 1,

1921, a statement over his own signature, from which I quote the following:

Law and order has given place to a bloody and brutal anarchy, in which the armed agents of the Crown violate every law in aimless and vindictive and insolent savagery. Is there a single Irish man or woman whose blood does not boil at these things, and who does not demand the end of English rule and the right of the Irish to govern themselves? England has departed further from her own standards, and further from the standards even of any nation in the world, not excepting the Turk and the Zulu, than has ever been known in history before. She is doing irreparable harm to the interests of her own Empire and to her own good name by the circulation of accounts, which are daily proved to be only too true, of what is being done from day to day. In an impoverished and bankrupt world she has recklessly added another area of ruin and destruction.

From a statement republished in the New York Evening Post, March 17, 1921, issued by the Earl of Denbigh, I take the following extract:

One thing is certain, to my humble thinking, and that is that the policy of reprisals as now carried on will never be successful, and that Cromwellian brutality will neither be tolerated in this country nor achieve its intended end in Ireland. As an Englishman I feel convinced that if the English people as a whole realized the hateful things done ostensibly in their name, sometimes officially, sometimes by irresponsible and uncontrolled individuals, a wave of indignation and sympathy with Ireland would spread over the country. If allowed to continue, more harm will be done to the British Empire and its reputation abroad than the average man has any idea of.

From Hon. C. F. G. Masterman, former British minister, I quote the following, taken from a speech at Macclesfield, reported in the Christian Science Monitor January 5, 1921:

Speaking with a full sense of my responsibility as a former cabinet minister, I declare the evidence is overwhelming that a systematic policy of terror is being pursued. It is being defended by Mr. Lloyd George, backed up by the flagrant lies of Sir Hamar Greenwood—

British secretary in Ireland—

and organized by officials in high places in Dublin. The attempt is not merely to punish the guilty, but to break the whole spirit of Ireland by inflicting punishment upon people who are as innocent as babes unborn. That was the system which, under the German invasion of Belgium, turned the whole world against Germany. Yet in every particular the things going on in Ireland to-day are a replica—in some cases they are worse than—the things the Germans did in Belgium.

From an address made by Mrs. Despard, sister of Lord French, at Kings Way Hall, London, November 15, 1920, I quote the following:

Deeply as I feel for Ireland, I feel more deeply for England, whose honor is being dragged in the dust and whose flag is being stained with the blood of the innocent.

Sir William Watson, one of the foremost poets of England, published in the London Daily News a poem addressed to Sir Hamar Greenwood, chief secretary for Ireland, from which I take one stanza:

No thin, pale fame; no brief and poor renown
Were thy just due. Of thee shall wise Time say:
"Chartered for havoc 'neath his rule were they
Whose chastisement of guilt was to burn down
The house of innocence in fear-crazed town
And trembling hamlet. While he had his way
Converts uncounted did he make each day
To savage hate of Law and King and Crown."

Hon. WALTER RUXCIMA (former British minister). The policy of terrorism in Ireland is similar to that practiced in Belgium by the Germans, and has brought discredit on the British name and interfered with their good relations with America. (Address at Amble, Northumberland, Feb. 28, 1921.)

Lord HENRY CAVENDISH-BENTINCK. In fact the fullness of waste is written over the Government's whole Irish policy. They have been wasting money, wasting the lives and properties of the Irish people, and frittering away the honor and reputation of the governing and sovereign people. What were they getting for it all? Nothing but disgrace, shame, and defeat. (Speech in House of Commons, Mar. 7, 1921.)

Lord FARMORE. Reprisals in Ireland appear to be wholly inconsistent with the fundamental principles on which the maintenance of law and order in the true sense depends, and the plea of provocation is not admissible. When murder, arson, and theft are allowed to go unpunished, where the offenders are Government agents, there is an end of law, and anarchy takes its place. (Presidential address at annual meeting of Peace Society in London, Mar. 9, 1921.)

Lord HUGH CECIL. The methods alleged to have been adopted by the police in Ireland have no precedent whatever in the story of the restoration of law and order by previous governments in the nineteenth century, and can end in no way but the widespread demoralization of the Irish people, and to a degree the English people as well. (Speech in House of Commons, Mar. 1, 1921.)

I quote the following from a letter in the Westminster Gazette, March 1, 1921, written by Sir Leo C. Money:

I am constrained to wonder whether what is sometimes called "the man in the street" casually realizes that whereas if a body of Germans had ambushed our men in the late war, and had been captured, it would have been contrary to the laws of war to shoot them, but that Irishmen under similar conditions are officially shot, if not already shot unofficially, as at Cork this morning, or that while it does not appear to be on record that the Germans in Belgium ever threatened the Belgians with punishment if they did not actually become informers against their fellow countrymen, the British authorities in Ireland have made it a crime for a friend not to inform against a friend, or even for a woman not to inform against her brother, husband, or lover.

Gen. CROZIER (commandant of the auxiliary forces of the Royal Irish Constabulary), in his letter of resignation dated February 19, 1921: I still consider that theft on the part of policemen in the course of their duties is unpardonable, and I can not honestly associate myself with a force in which such acts are condoned.

Hon. A. BALDWIN RAPER (Unionist M. P.). On the following day I was walking down Patrick Street (Cork) between 3.30 and 4.30, when, without the slightest provocation so far as I could see, a number of shots were fired by Crown forces over the people's heads, as a result of which, I understand, one civilian looking through a window was shot dead. It must be obvious to any impartial observer who has had an opportunity of visiting the south of Ireland that measures and incidents such as these can never have the desired effect of bringing peace, and must, in fact, deepen the cleavage between the British and the Irish peoples. (Letter to London Times, Mar. 9, 1921.)

Bishop GORE. The Government is engaged in the perpetration of crime in Ireland against justice and the foundations of civil liberty and order. This accursed policy of reprisals must not be allowed to go on any longer. (Address at St. Mark's Hall, Feb. 28, 1921.)

GILBERT K. CHESTERTON. The whole world thinks that England has gone mad. We are not ruling Ireland. We are simply raiding Ireland, exactly as men raid across a frontier. Our rulers are invading Ireland exactly as the Prussians invaded Belgium. (Article in Manchester Guardian, Mar. 6, 1921.)

Lord GLADSTONE (in letter to Sir Hamar Greenwood). I detest your system of reprisals and a policy which gravely and in all parts of the world compromises the fame of Great Britain for justice and common sense. (London Times, Feb. 24, 1921.)

Right Honorable ALEXANDER M. CARLISLE, privy councillor (leading shipbuilder in Belfast). It is not merely that the Government have made mistakes—gross, unpardonable mistakes, of which they were fully warned—it is that they have endeavored to hide those mistakes by shameless duplicity and infamous dishonesty. (New York Evening Post, Mar. 17, 1921.)

Mr. President, I trust that the voice of liberal men in this country will be raised to give to the Government that has so long and so brutally oppressed Ireland the reputation which she has earned by her bloody course.

The Rev. J. Scott Lidgett, honorable secretary, National Council of Evangelical Free Churches of Great Britain, in an address before the assembly of Evangelical Free Churches in Manchester, March 10, 1921, said:

Even if force, organized, disciplined, and under complete control, were a remedy, to give reign to lawless and undisciplined forces, to take matters into their own hands, to shoot, to burn buildings, to reduce the whole system of government to chaos, is the worst application that can possibly be imagined. The conscience of this country will not stand it, and if the conscience of this country would stand it, the conscience of the civilized world would rise up in judgment, whatever party be in power. We were told by the lord chancellor the other night that the sublimities of the Sermon on the Mount would not carry on the movement in Ireland. That was his answer to the very weighty and Christian speech made by the primate of all England, who, not for the first time, represented the judgment of all his fellow Christians. And when the Government, speaking through its supreme law officer, makes light of the Sermon on the Mount as giving the marching orders in Christian civilization, he shows that his Government and its policy is founded on a fallacy. It will prove itself equally to be a fallacy in the case of the British Empire generally, and in the special case of Ireland in particular. Therefore we denounce and we are out to do our utmost to stop the policy or practice of reprisals.

I take this from a signed article in the London Daily News, November 26, 1920, from Mr. A. G. Gardiner, who was editor of the London Daily News from 1902 to 1919:

The story of English rule in Ireland is the darkest tragedy on earth, with the single exception of the tragedy in Armenia. We have assassinated the Irish nation for 600 years; we have burned its towns and put its people to the sword. We have destroyed its manufactures. Again and again we have placed in Ireland garrisons to overawe the population. We have driven the people from the soil, so that to-day the population is only one-half what it was a century ago. There is no tale of corruption so sustained, so malignant, in the annals of civilized Europe.

Lord ROBERT CECIL. Anything which attacks justice, equity, and freedom attacks the basis on which the British Empire stood. The supremacy of the law is the guaranty of freedom, and for that all lovers of freedom in our history have fought. Reprisals are the negation of that supremacy. (New York Evening Post, Mar. 17, 1921.)

Lieut. Gen. Sir HENRY LAWSON, K. C. B. It probably would have been impossible, had I tried, to find out to what extent the policy of collective reprisals so widely carried out by the Black and Tans and Cadets was suggested and approved from above. That it received something more than tacit approval is obvious from many public utterances. * * * It has further to be remembered that the instruments of this policy had had as a whole no previous touch with Ireland, probably the vast majority had never crossed the Irish Channel before; they were especially enlisted for a repressive job, and in the eyes of most of them they were engaged in a campaign against the Irish people for the suppression of acts of violence against police and soldiery. So far as one can judge, they appear to have treated the whole population on the same lines, just and unjust, landlord, shopkeeper, farmer, and their point of view seems to be that of military forces operating in an enemy country against guerrilla warfare—very much like the Germans in France in 1870 and in Belgium in 1914-1918. (Report to Lord Henry Bentinck, chairman Peace with Ireland Council, Dec. 27, 1920.)

Lord BUCKMASTER (former lord chancellor of Great Britain). It is only after careful sifting of information that I have come to the conclusion that Government forces have been guilty of murder, robbery, and arson. (Speech in House of Lords, Feb. 22, 1921.)

Lord NORTHCLIFFE. A settlement can only be reached when the English public realize the futility of maintaining by force and under world-wide condemnation an absolute form of government such as we have always been the first to denounce in foreign empires. (Article in Nineteenth Century and After, March, 1921.)

What is the fundamental cause of this reign of terror that prevails in Ireland to-day? Is it not remarkable that for 700 years the powerful British Empire has sought to destroy her nearest neighbor? What is its significance?

It is the old struggle between imperialism and democracy. England has fought Ireland because for centuries her govern-

ment has been in the hands of men who, while they could not stamp out liberty in England itself, have been able to control the foreign policy of the British Empire and to make it a policy of force and imperialism. Ireland has fought England through the centuries because the spirit of independence planted in the hearts of that heroic people before the first invasion of their country has never been allowed to die.

The British policy in Ireland deserves the condemnation of the world. It is without warrant in law or morals. It is founded on falsehood and greed and, unless arrested, it can come to no issue except the extermination of the Irish people. The sympathy of the American people is and should be with Ireland in this struggle. I am deeply concerned to know what we can do to make that sympathy effective.

There is only one way in which we can effectively express our sympathy for Ireland and that is by our vote on this resolution.

This Congress will not close without a test vote upon the issue of recognition of Irish independence. On that day no Senator or Representative who respects the principles which made us a nation will vote to deny Ireland's claim to freedom.

There is no mistaking the issue. It is the irrepressible, irreconcilable conflict between imperialism and representative democracy. Born of greed and tyranny, imperialism is the deadliest enemy of self-government.

On this issue every American citizen—every lover of liberty in the wide world—should stand with the Irish people for the independence of Ireland.

If no other Senator desires to speak on the joint resolution at this time, I ask that it be referred to the Committee on Foreign Relations.

THE VICE PRESIDENT. Is there objection? The Chair hears none, and it will be so referred.

SUBMARINE CABLES.

MR. KELLOGG. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 535) to prevent the unauthorized landing of submarine cables in the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Interstate Commerce with amendments.

MR. CURTIS. Mr. President, I suggest the absence of a quorum.

THE VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	McKinley	Simmons
Ball	Harris	McNary	Smoot
Broussard	Harrison	Moses	Spencer
Bursum	Jones, N. Mex.	Nelson	Stanfield
Calder	Jones, Wash.	New	Stanley
Cameron	Kellogg	Norris	Sterling
Caraway	Kendrick	Oddie	Sutherland
Colt	Kenyon	Overman	Trammell
Culberson	Keyes	Phipps	Underwood
Cummins	King	Pittman	Walsh, Mass.
Curtis	Knox	Polindexter	Walsh, Mont.
Dial	Ladd	Ransdell	Warren
Dillingham	La Follette	Reed	Watson, Ga.
Ernst	Lenroot	Robinson	Watson, Ind.
Fletcher	Lodge	Sheppard	Willis
Frelinghuysen	McCumber	Shields	Wolcott
Gooding	McKellar	Shortridge	

THE VICE PRESIDENT. Sixty-seven Senators having answered to their names, a quorum is present.

MR. KELLOGG. Mr. President, this is a bill to prevent the unauthorized landing of cables in the United States or any of the possessions of the United States, to authorize the President to issue licenses for such cable landings or to issue such licenses upon conditions. The bill was introduced in the spring of 1920, and at the beginning of the last session of Congress the Interstate Commerce Committee authorized a subcommittee to hold hearings and investigate the subject and to report a bill to the Senate. Extensive hearings were held, which have been printed. The facts are simple, and I think in a very few moments I can make an explanation of the bill, and if any Senators then desire to ask questions I shall be very glad to answer to the extent of my ability.

The power to issue licenses for the landing of cables has been exercised by the President for more than 50 years, through the Secretary of State or Attorney General. It was exercised by Secretaries of State Fish, Evarts, Blaine, Bayard, and Root, and by Attorneys General Griggs, Knox, Wickersham, and McReynolds. During the administration of President Cleveland two Secretaries, Secretary Gresham and Secretary Olney, declined to issue licenses for want of power, claiming that the President had no implied power as the Chief Executive of the Nation to issue such licenses or to prevent cable landings, but

since that time the power has been exercised by acquiescence of cable companies and other officials.

The power is now questioned by the Western Union Telegraph Co. on two grounds: First, that the power to regulate commerce is by the Constitution conferred upon the Congress, and that until the Congress acts and confers that power upon some administrative board or executive the power can not be exercised by any officer of the United States.

Second, that the Western Union Co. having accepted the act of 1866—which I shall not stop to explain, as I believe Senators generally understand it—granting the right to telegraph companies to lay their wires along the post roads of the United States and under the waters of the United States, the Congress had acted, and therefore the Western Union, until Congress should otherwise provide, had a right to lay its cables.

It is also claimed that the President has no such implied power, because the Congress has conferred upon the Interstate Commerce Commission various powers in relation to the regulation of cables, telegraphs, and telephones, and therefore it is an exercise of power which excludes any presumption that the President has an independent power as the Chief Executive of the Nation.

The United States court in New York has held that while the executive officers of the Government have exercised the power for many years, based upon what is known as the Midwest Oil decision, that it may be, in the absence of any action by Congress at all, the President would have that implied power at least as to foreign cables. But the court concludes that the Congress having assumed jurisdiction over the subject of cables, therefore the President has no such power.

We invited before the committee the chief officers of the cable companies, Mr. Carlton and other officials of the Western Union, Mr. Mackay and some other officials of the Commercial Cable Co., and Mr. Root and other officials of what is known as the All-American Cable Co., which has lines of cable to South America. They were all heard. They all admitted the necessity for—in fact, recommended—some such legislation. The Western Union Co. recommended that the power be conferred upon the Interstate Commerce Commission. The committee did not see fit to do so, for this reason: This power is in all countries, so far as I know, an executive power, which has been exercised by Great Britain, France, and other countries; second, it is an executive power which has been exercised here; third, it is necessary in nearly all cases, especially of the landing of cables running to foreign countries, that negotiations take place between this Government and foreign Governments as to conditions upon which such cables will be allowed to land in foreign countries and the conditions upon which they will be allowed to operate. It seemed impossible, therefore, to confer this power upon the Interstate Commerce Commission, but by the amendments reported to the bill the Senate will see that we have not taken from the Interstate Commerce Commission any of the powers heretofore granted to it.

I do not think it is necessary for me to go into the origin of the contest between the Government and the Western Union Co. It grew out of this situation: The Western Co. is a British company running from Great Britain through the Azores to Brazil, and from Brazil into Argentina and across the continent to Chile.

The Western Co. has a monopoly in Brazil until 1933; that is, a monopoly in laying cables between all ports in Brazil, which is necessarily a monopoly, because no other foreign company can afford to build an independent line to each separate port in Brazil.

The Western Union Co. undertook to lay a cable from Miami, Fla., to the Barbados Island, where it was to meet the line of the British company, which was to lay a cable from Brazil to the Barbados, making a through line from the United States to Brazil. Because the Western Co., the British company, had a monopoly in Brazil and would not give up the monopoly, therefore, the State Department refused a license to the Western Union Co. to connect with them.

I am not going to discuss the merits of the controversy which arose, although it will be seen by the testimony that we have not refused landing licenses to American companies because they connected with other companies which had monopolies in foreign countries over which our cable companies and our Government had no control. Notably the Commercial Cable Co., which reaches China and Japan, were compelled to make terms with a company organized in Holland, I believe, but owned by the British and the Dutch and having a monopoly in China. The All-American Cable Line, which runs from New York to Cuba, from Cuba to Colon and Panama, down the west coast of South America, and then across to Buenos Aires, with a line up to Brazil, has a monopoly running from 3 to 10 years in various

countries on the western coast of South America. The All-American Cable Co. also has a line crossing Mexico to the Pacific and connecting with its lines in South America. That company was permitted to land.

There have been several American lines, and perhaps some foreign lines, which have cables in this country which have not heretofore taken out a license, but which are operating under permissive grants, and so forth, and not regular licenses fixing any terms or conditions.

The French company has two lines of cable to New York. It also bodily took one of the German lines, cut the end connecting with New York, and attached it to its line to New York, and is now operating its line between the United States and France. France does not grant to the American companies the same rights which French companies enjoy in the United States. For instance, an American cable running to France can only connect at the shore with the French post-office telegraph lines and must do business over those lines as a separate and independent concern, while the British lease to our cable companies the lines from the shore to London and permit the officers of American companies to run the offices, to have exclusive use of land lines, and to treat them as their own; so one may take a message in London to an American cable company and send it to the United States without handling by a foreign company. That is not permitted in France. We believe the Government here should have the power to insist that American cable companies shall have the same rights in foreign countries as foreign cable companies have in the United States.

I am not going into the question of the importance of the development of our cables and radios. The committee also took a large amount of testimony on the subject of radios, but that bill is not before the Senate. However, it developed in the hearings that there is a great dearth of American news in South America, in China, and in Japan. The committee summoned before it the general manager of the Associated Press, the general manager of the United Press, and the general manager of the Universal News Service. I shall not take the time of the Senate to explain the details of their testimony, but it shows a most pressing need for cable and radio communication with all parts of the world and especially with South America.

I should like to call the attention of the Senate to a letter written to me by the American manager of *La Prensa*, which is the largest paper in South America, having a daily circulation of 220,000. With the permission of the Senate, I send the letter to the desk and ask that it be read.

Mr. KENYON. Where is the paper published?

Mr. KELLOGG. The paper is published in Buenos Aires. I should like to have the letter read, except the postscript at the end.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

LA PRENSA,
Buenos Aires, January 28, 1921.

HON. FRANK B. KELLOGG,
Chairman Subcommittee of the
Senate Interstate Commerce Committee,
Washington, D. C.

DEAR SIR: I would request that you call to the attention of the subcommittee the very inadequate cable service prevailing at present between the United States and South America.

La Prensa, the most influential newspaper in Latin-America, having an average daily circulation of 220,000 copies, receives such a limited amount of news from the United States these days that they are beginning to question our sincerity in furthering trade relations between the United States and South America.

Very frequently, I am informed, that for some reason beyond the control of the All-American Cable Co. it is impossible for this cable company to accept any words for that particular day. Other days I am limited to 20, 30, 40, and so on upward to 100, with an outside limit of 300 words, and when it is considered that for many years it was customary for this office to send to *La Prensa* an average of 4,000 words daily it becomes apparent that this limited service is of little value to a newspaper with the circulation of *La Prensa*. Just a few market reports is the sum total of my service.

For more than 20 years prior to January 1, 1920, all European news for *La Prensa* was sent via London, New York, Buenos Aires; therefore, the news that was passed on to South America went through my office under my direct supervision, and I was very careful to see that no news passed on that might in any way be construed to reflect on our business methods or conflict with our policy to further pleasant relations between the two Americas. This service, due to delays when relayed from the United States, is now sent direct from London to Buenos Aires.

I am often in receipt of information of great value to the buyers of merchandise or other products from the United States, such as "the large exporters or merchants here in the States desire to inform the buyers in South American countries the importance of making immediate purchases," which would result in a big saving to them, for often the replacement cost is greater than the prevailing prices, but due to the limited service it is impossible to send these advices. This lack of service might, and probably does, militate against the chances of our exporters developing trade with South America, for we must consider that the representatives from foreign countries are not hampered in their business dealings with the South American countries. As we have in the

United States to-day a need for an outlet for our surplus production, I consider it vitally important that we have a service capable of handling a sufficient number of words to cover at least the most important news—news that should promote a better understanding between the two countries.

I have been informed that there are ways and means of supplementing the cable service to South America, but for some reason on the part of our Government rights are not granted to improve the present inadequate service.

Please bear in mind that the service now going direct to South America from London would in all probabilities pass through my hands for revision.

Thanking you for any steps you may take in this matter, I am,

Very truly, yours,

ROMEO R. RONCONI.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Florida?

Mr. KELLOGG. I yield.

Mr. FLETCHER. Section 6 of the bill reads:

That no right shall accrue to any Government, person, or corporation under the terms of this act that may not be changed, modified, or amended by the Congress.

That would seem to leave it possible for vested rights to be obtained subject only to being modified or changed. The question I should like to ask the Senator is whether or not he would be willing to strike out the word "vested" in line 14, and insert the word "rescinded" before the word "changed" in line 16, so that it would read:

That no right shall accrue to any Government, person, or corporation under the terms of this act that may not be rescinded, changed, modified, or amended by the Congress.

Mr. KELLOGG. I do not think I shall have any objection to that if the Senator will let it go until I reach that section, as there are various committee amendments that I should like to take up.

Mr. President, one more word about the subject of news, and it will show the great importance of this Government exercising the greatest possible power to encourage American cable and American radio companies to extend their facilities to foreign countries.

The press associations of the United States are practically the only independent, unsubsidized associations in the world. The Reuter, which is a British concern, is said to be subsidized, and the testimony shows that the Havas, of France, is also. Formerly the Wolff, of Germany, as everybody knows, was a subsidized association; and after the news which we had to send to South America had gone through the Reuter or the Havas or the Wolff agency, one would never know that it originated in the United States.

It is of the utmost importance, not only that these countries may know the United States, its institutions, its commerce, its commercial associations, but that they may know its Government, that we should have news agencies that give them what they demand in South America. Every agency testified that it wanted facilities for four or five thousand words a day for the daily newspapers in South America, and could practically get nothing. The same situation exists in China and Japan.

I will say this for the American press associations: They are the most independent and fairest of any associations in the world in sending American news or any news. They are making great strides and great efforts to extend their service to other countries, especially those countries in which we have such a deep interest as we have in the South American countries, and they need all the cable and radio facilities and all the encouragement the Government can give them. I hope that the Congress will see fit in the near future to pass a radio bill, a subject to which I have given a good deal of attention.

It does seem to me, however, as that power is now being questioned, that it must rest in some department of the Government, and I know of no place more appropriate than in the President. He can then call upon the Interstate Commerce Commission, upon the Attorney General, or upon the Secretary of State—who would be the most likely officer to exercise the power under the President—and can grant licenses, as he has in the past, upon conditions which will protect the American Government and the American people and the news service of this country.

After the bill was reported to the Senate a further hearing was asked by a certain cable company, and the Secretary of State also had given very careful consideration to it. Mr. Hughes suggested some amendments, which the committee adopted, one of which has since been changed. If the bill may be read for amendment, I will indicate the amendments as we proceed and the suggestions which I should like to make for further amendment.

Mr. ROBINSON. Mr. President—

Mr. KELLOGG. I yield to the Senator from Arkansas.

Mr. ROBINSON. I should like to ask the Senator from Minnesota a question concerning section 2.

Mr. KELLOGG. Will the Senator wait until we reach that section. I should like to take up section 1 first.

Mr. ROBINSON. Yes; if it suits the convenience of the Senator to do so.

Mr. KELLOGG. I should be glad if section 1 might be read for amendments. I have one additional amendment to suggest.

The VICE PRESIDENT. The Secretary will read as requested.

The READING CLERK. Section 1, with the amendments, reads as follows:

Be it enacted, etc., That no person shall land or operate in the United States any submarine cable directly or indirectly connecting the United States with any foreign country, or connecting one portion of the United States with any other portion thereof, unless a written license to land or operate such cable has been issued by the President of the United States: Provided, however, That any cable now laid within the United States without a license granted by the President may continue to operate without such license for a period of 30 days from the date of the approval of this act.

Mr. KELLOGG. I ask to perfect the last amendment by inserting "90 days" instead of "30 days." Some of the companies which have cables which have not obtained licenses contend that 30 days is too short a time, and after discussing the matter with the Secretary of State, he thought that 90 days would be fair; and I therefore ask permission to insert "90 days" in lieu of "30 days."

The VICE PRESIDENT. Without objection, it will be so ordered.

Mr. ROBINSON. Mr. President, during the consideration of the amendments suggested by the Senator from Minnesota, I should like to ask the Senator a question or two.

Mr. KELLOGG. I shall be very glad to answer them.

Mr. ROBINSON. Is it intended, in the event that the President shall fix the terms and conditions respecting the licenses to be issued to those who are already operating cables in the United States connected with foreign countries, to which those countries may not agree, that then they must suspend operations?

Mr. KELLOGG. The President could only enforce that provision in the courts, as the Senator will see from the section which provides for enforcement.

Mr. ROBINSON. That, in my opinion, does not answer the question that I asked. My question was not directed to the method of procedure.

Mr. KELLOGG. It would be necessary for them to suspend operations or comply with the conditions.

Mr. ROBINSON. Under the amendment which the committee has reported, even as modified by the amendment now suggested by the Senator, the President can prescribe any terms or conditions and make them applicable to cables that are already operating in the United States; and if the companies operating them decline to accept those terms and conditions, then by a proceeding in court they can be denied the privilege of further operation.

Mr. KELLOGG. Yes. Let me give the Senator an illustration. Take the French company, which has never complied with its license. Suppose the French company continued to refuse to allow American companies to have the same rights in France that they have in the United States. The President could bring an injunction, if they refused to suspend, to enjoin them until they did comply. I see no other way of enforcing it.

Mr. ROBINSON. Has the Senator considered the legal question involved in connection with this amendment, as to whether it is within the power of Congress to enact this amendment?

Mr. KELLOGG. I do not think there is any doubt about it. I have given it very careful consideration. I think Congress may authorize the Executive to prohibit the landing of any foreign cables or any cables on our shores, if it sees fit.

Mr. ROBINSON. But this question and this amendment apply to cables that have already been landed and to cases where rights may have vested.

Mr. KELLOGG. Yes; and that is exactly the power that the British Government exercised, and they required our cable companies to take out new licenses.

Mr. ROBINSON. But, if the Senator will pardon me, I am not speaking about the power of the British Government or the exercise of power under the British constitution, and I am not antagonizing the Senator; I am asking for information. I am asking if the Senate committee reporting this bill considered the question as to the power of Congress to deny to a cable company already landed and already operating under certain terms and conditions the right to continue to operate in the future?

Mr. KELLOGG. Yes; I think there is no doubt about the power.

Mr. ROBINSON. The Senator, then, is satisfied as to that proposition?

Mr. KELLOGG. I am satisfied.

Mr. ROBINSON. Clearly, I think, in the interest of the Government and the preservation of our foreign relations, it is necessary to regulate the operation of these cables; and I presume the committee reached the conclusion that it could be best done through the instrumentality of the President, who has charge of our foreign relations rather than through some other agency, as, for instance, the Interstate Commerce Commission.

Mr. KELLOGG. That was the opinion of the committee, and we gave very careful consideration to that subject.

Mr. FLETCHER. Mr. President, in order to have the record straight, I presume the Senator means to ask unanimous consent that the formal reading of the bill be dispensed with, and that it be read for committee amendments first.

Mr. KELLOGG. Yes; that was the intention. I thank the Senator.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. FLETCHER. Then it is in order to consider the amendments of the committee first. I suggest that they ought to be taken up in their order, beginning with line 3.

Mr. KELLOGG. I should like to ask if there is any objection to the change of the amendment as suggested by me?

The VICE PRESIDENT. The amendment to the amendment was agreed to without objection.

Mr. KELLOGG. Is the amendment itself now agreed to?

Mr. ROBINSON. The Senator from Florida has just called the attention of the Senator from Minnesota to the fact that there is a previous amendment that has not been formally disposed of. The words "or operate," in line 3, constitute a committee amendment, which has been overlooked.

Mr. KELLOGG. I was under the impression that that had been disposed of as we passed along.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. The first amendment offered by the committee is, on page 1, line 3, after the word "land," to insert the words "or operate."

The amendment was agreed to.

The READING CLERK. On page 1, line 7, after the word "land," it is proposed to insert the words "or operate."

The amendment was agreed to.

The READING CLERK. On page 1, line 8, after the words "United States," it is proposed to insert a colon and the following proviso:

Provided, however, That any cable now laid within the United States without a license granted by the President may continue to operate without such license for a period of 90 days from the date of the approval of this act.

Mr. KING. Mr. President, before that amendment is agreed to I should like to ask the chairman of the committee, as well as the Senator from Arkansas, what disposition was made of the suggestion made by the Senator from Arkansas with respect to the power of the President to prohibit persons who are now operating from continuing to operate unless they receive a license from the President of the United States?

Mr. KELLOGG. I gave the opinion of the chairman of the committee that the Congress had that power.

Mr. ROBINSON and Mr. CUMMINS addressed the Chair.

Mr. KING. If I may be pardoned, I was not questioning the power, and yet it seems to me that there may be a serious question as to the power of Congress to do that; but it was the question of policy or expediency to which I was addressing myself and the justice of the question.

Mr. ROBINSON. Mr. President, with the indulgence of the Senator from Minnesota and the Senator from Iowa, I will state that my question related to the power of Congress to enact this amendment. The Senator from Minnesota expressed the opinion that it had the power, and stated that after an investigation made by the committee the committee had reached that conclusion. The Senator from Iowa [Mr. CUMMINS] has just made to me a statement which I trust he will repeat to the Senate, which I believe makes clear the fact that the Congress has the power to adopt the amendment.

Mr. KELLOGG. I shall be very glad to hear from the Senator from Iowa.

Mr. CUMMINS. Mr. President, I am sure the suggestion that I have to make will be in harmony with the view of the Senator from Minnesota.

Congress has never granted to any person or any officer the right to make a contract with a foreign cable company or with a domestic cable company with respect to landing upon our shores; and, as I look at it, these cable companies that already have landed upon American soil and are operating have no vested right and can have none, for they have not entered upon

their enterprise under any agreement, expressed or implied, but simply a license.

I have no doubt whatever about our right to confer upon the President the authority to terminate this license whenever he sees fit to exercise it.

Mr. KING. I concede that right with respect to foreign corporations or to aliens. But take the case of an American citizen or an American corporation, both of which, say, have been operating a cable for a number of years, without question, without any concession from the Government or any State other than the chart of power upon the part of the corporation. What does the Senator say as to the power of the Federal Government to deny them the right to continue to operate?

Mr. CUMMINS. It might be very unjust and it might be very unwise, and I take it that the President would not act either unjustly or unwisely. But my reply with regard to the domestic company is precisely the same as it is with respect to a foreign company. These companies are using their privilege as sovereigns.

Mr. KING. Does the Senator think that domestic corporations and American citizens should be subjected to the same regulation as foreign corporations?

Mr. CUMMINS. Naturally, we ought to be more solicitous about protecting the rights, if they are rights, of a domestic company than a foreign company; although so far as the morals of it are concerned I think there is no difference.

Mr. KELLOGG. I will say to the Senator from Utah I believe there is only one foreign cable now landing in the United States, and that is the French cable, and they ought to be compelled to give the American companies the same rights in France that the French company enjoys here.

Mr. KING. I assent to the proposition just made by the Senator from Minnesota.

Mr. KELLOGG. The other principal companies, like the Commercial and the Western Union and the All-American Co., have received licenses from the President. If he had no authority to give them, this will confirm his authority. There is not any disposition, as far as I know, to interfere with them, but Congress ought to make a general law on the subject.

Mr. ROBINSON. Mr. President, with the indulgence of the Senator from Minnesota, it would seem to me that the same necessity for regulation of the matter exists with respect to all the companies, no matter whether they are owned and operated by American citizens or foreigners. The manner of the regulation is left in the discretion of the President, and the assumption is that he will exercise it wisely and fairly.

I have no further suggestion in connection with this amendment, but there is a suggestion in connection with the next amendment which I should like to make.

The amendment as amended was agreed to.

Mr. WALSH of Montana. Mr. President—

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Montana?

Mr. KELLOGG. I yield.

Mr. WALSH of Montana. I am interested to know upon what basis the assertion is made that the power vests in Congress to grant a license, or to prohibit the operation without a license. Under what heading does the Senator from Minnesota assign the power?

Mr. KELLOGG. The power of Congress?

Mr. WALSH of Montana. Yes.

Mr. KELLOGG. I think Congress has it under the power to regulate commerce. The courts have so held.

Mr. ROBINSON. In some respects it might also relate to foreign relations, which already the President has the direction of.

Mr. KELLOGG. The courts have held, as the Senator from Arkansas suggests, that quite likely the President might have implied power, under the war power for instance, to prevent a foreign company from landing here at all, if he thought it endangered the United States. But the court held, in the very case I mentioned, that the power to grant a license for the landing of cables and to withhold it was in the Congress of the United States, under the commerce clause.

Mr. WALSH of Montana. By reason of the power to regulate commerce with foreign nations?

Mr. KELLOGG. Yes. In relation to section 2, I sent to the Senator from Arkansas [Mr. ROBINSON] a substitute for the committee amendment of section 2, and I have a few other copies if any Senator desires to read it.

The VICE PRESIDENT. The Secretary will read the amendment.

The READING CLERK. As a substitute for the amendment proposed by the committee as section 2 insert:

SEC. 2. That the President may withhold or revoke such license when he shall be satisfied that such action will assist in securing rights for the landing or operation of cables in foreign countries, or in maintaining the rights or interests of the United States or of its citizens in foreign countries, or will promote the security of the United States, or may grant such license upon such terms as shall be necessary to assure just and reasonable rates and service in the operation and use of cables so licensed: *Provided*, That the license shall not contain terms or conditions granting to the licensee exclusive rights of landing or of operation in the United States: *And provided further*, That nothing herein contained shall be construed to limit the power and jurisdiction heretofore granted the Interstate Commerce Commission with respect to the transmission of messages.

Mr. KELLOGG. Does the Senator from Arkansas desire to ask me a question with regard to this amendment?

Mr. ROBINSON. Mr. President, the question I want to ask the Senator from Minnesota is this: Will the language under the amendment he now proposes authorize the President to revoke a license granted to one company in order to secure rights for the landing or operation of cables owned or operated by another company in a foreign country?

Mr. KELLOGG. I should not think it would. I can not imagine anything of the kind.

Mr. ROBINSON. Technically, I believe the language as it is offered would grant that power. I am sure the Senator had no such intention—

Mr. KELLOGG. Oh, no.

Mr. ROBINSON. And that the committee had no such intention.

Mr. KELLOGG. I had no such intention.

Mr. ROBINSON. I do not know whether it has any practical value or not. There might arise a case in which it would become important.

Mr. KELLOGG. I will say to the Senator that that was very carefully considered by the Western Union Co. itself, and to that clause they have no objection whatever. They did suggest that when it came to the question of fixing rates and service, we should not take away the power of the Interstate Commerce Commission, which may now fix rates, and that the rates and service should be regulated by the license, and should be confined to the particular lines; but as to the other they had no objection whatever.

Mr. ROBINSON. I did not have in mind the Western Union Telegraph Co., or any other company. I was merely considering the language. It reads:

That the President may withhold or revoke such license—

That is, any license granted to a person, citizen, or corporation to operate a foreign cable—

when he shall be satisfied that such action will assist in securing rights for the landing or operation of cables in foreign countries—

And so forth.

Unquestionably that gives him the discretion to revoke a license granted to one company to operate a cable the other terminus of which is in Great Britain, if he sees fit to do so, and secure the right to land a cable in France, for instance.

Mr. KELLOGG. He should have that right as to the connection of that cable. Otherwise he could not exercise any power at all. Let me give the Senator an illustration. Take the Western Union, which now connects at Barbados with the Western Co., a British company. The Western Co. has a monopoly, and President Grant laid it down in his message that we ought not to grant a landing license to any company having a monopoly in a foreign country. Manifestly the President can say that unless the British company is willing to give up its monopoly, as a condition precedent to connecting with the Western Union, it can not land in this country, or the Western Union can not. I think that is a power which is absolutely necessary.

Mr. ROBINSON. I understand all that, and I think the purposes of the amendment are all right; but take a case like this: Suppose Company A is licensed to operate a cable the foreign terminus of which is in the West Indies, and the Government of France says, "If you will revoke the license of Company A, we will permit Company B to land and operate a cable the foreign terminus of which, as to your Government, shall be in France." Under this legislation the President plainly would have the power to trade off the right of Company A for the benefit of Company B. As to whether he would do that is, of course, a question not likely to arise, because no President probably would exercise that power. It seems to me that such a power is plainly granted in the legislation, but if the Senator from Minnesota is satisfied that that is not the case, after having studied the question, I am willing to take his judgment.

Mr. KELLOGG. I am perfectly satisfied, and I am satisfied that all the companies are of the same opinion; and they gave that careful consideration.

Mr. ROBINSON. It is not a complete answer to the proposition to say that somebody else has considered it. I want the judgment of the Senator from Minnesota.

Mr. KELLOGG. That is my judgment.

Mr. ROBINSON. I know this, that when a proposition is presented to a lawyer he considers it from the angle of the question that, in his mind, is most prominent; but this is a question that very naturally arises from the language of the substitute. The power given the President here is to secure the privilege to land a cable in a foreign country. He may revoke any and all licenses that have theretofore been granted, no matter to whom granted.

Mr. KELLOGG. I do not think he can do it.

Mr. KING. Mr. President, I feel a great deal of timidity in making any suggestion to the chairman of the committee, who has given much consideration to this proposed legislation. I do suggest to him, however, that section 2, as I view it, confers unlimited and arbitrary power upon the President of the United States. I know the Senator will say, and all of us will say, that the President, of course, will not act capriciously or arbitrarily but will seek to do justice in dealing with this important question.

I do suggest to the Senator that it would have been better to prescribe by legislation the terms under which licenses might be obtained and the conditions or contingencies which might lead to forfeiture. As it is now, no corporation knows what must be complied with in order to obtain a license. The rule or regulation prescribed to-day may be departed from to-morrow. The President may announce one policy to-day and to-morrow that policy may be abandoned and an entirely different one prescribed. One administration may suggest one policy and the succeeding administration may prescribe an entirely different one.

Those who are seeking these licenses and these privileges are utterly at sea. They are at the mercy of the Executive, and we all know that the Executive, in the multitude of duties resting upon him, can not bring to bear his personal attention in the consideration of all these matters, and he will be dependent upon some subordinate of the Government. So after all we come down to the proposition that some subordinate of the Government holds in his hands the privilege to grant licenses to those who may seek to land cables upon our shores and holds in his powerful grasp the power to terminate those licenses according to his good will and pleasure. It is too great a power, it seems to me, to confer upon the President, knowing, as we do, that the action must be taken by some subordinate.

Mr. KELLOGG. Mr. President, that suggestion was very carefully considered by our committee, and I tried for a long time to see whether I could draw general regulations which could be automatically complied with, and if the Senator from Utah can do it, he can do better than I can.

I asked the cable companies, through their able lawyers, to suggest to me conditions which could be put in the law with which they could comply automatically, and they said they varied so greatly that they could not do it; and they never did suggest any.

Let me give the Senator an illustration. The first thing that occurred to the committee was that we should make a general rule that no cable should land in the United States which connected with a cable having a monopoly in a foreign country. It immediately was seen in some cases that it not only would operate against American interests, but would be impossible to comply with at all, because the monopoly to the foreign company was neither under the control of the American company nor the American Government, and we found in several cases where it was necessary either to grant such landing licenses or deprive ourselves of cable facilities. There are many other conditions, and I do not believe it is possible to lay down general rules which can be automatically complied with.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. KELLOGG. I yield.

Mr. CUMMINS. When the bill came on for consideration before the committee of which I am chairman I made against it the very point so clearly expressed by the Senator from Utah [Mr. KING]. I would have preferred the organization, if possible, of a series of rules or regulations which would control the discretion of the Executive. In addition to the efforts of the Senator from Minnesota I undertook that task. It is needless to say that I failed utterly. If I had not failed the bill would not be in its present form. I came to the conclusion, and I wish to express it in view of the point made, that it could not be done, that no human being could anticipate the conditions which may exist at some future time between this

country and another or between this country and her own citizens to a sufficient extent to enable him to frame an intelligent guide or rule for the exercise of the power by the President of the United States. I do not believe it can be done, and if we desire the power exercised I think it will have to be practically unlimited.

We did incorporate some limitation, which was the only one that I could find that seemed to me safe to put in at all hazards. It will be noticed that in the section now before the Senate there is a provision that the license shall not contain terms or conditions which will prevent the issuance of other licenses, and, as it is paraphrased in the amendment offered by the Senator from Minnesota, providing that the license shall not contain terms or conditions granting to the licensee exclusive rights of landing or of operation in the United States. After a good deal of consideration, and the Senator from Minnesota was just as anxious as I was to frame a series of rules if it had been found practicable, the committee unanimously determined that it was impossible and could not be done.

I desire while I am on my feet to add a word in regard to the point made by the Senator from Arkansas [Mr. ROBINSON]. I think he is right in his construction of the language, but I do not think it is material for this reason: The language which he quotes will only be operative in the case of the revocation of a license. The President has complete and broad discretion to withhold a license without giving any reason whatever. So that part of the section which says the President may withhold such licenses has no practical operation.

Mr. ROBINSON. May I suggest to the Senator from Iowa that that very case would be presented if, for instance, upon the passage of the bill the President should grant a license to a number of corporations to operate foreign cables and 10 years from now should, on account of our foreign relations with a particular power, being desirous of landing a foreign cable in some particular country, be met with the proposition from the foreign country in which we desired to land the cable that if we would revoke the license under which other cables to other foreign countries were being operated we could have the permission to land this cable and operate it. There might arise a condition whereby the President would have the power effectually to destroy a large amount of property, because the revocation of the license would constitute a destruction of the investment.

Mr. CUMMINS. I agree that it does confer great power on the President, but it relates only to the revocation of a license already issued.

Mr. ROBINSON. Yes; but the power to revoke is universal. The President may revoke any license at any time while the provisions of the bill are in force, so that 10 years from now no matter how many licenses there may be in existence then, if the act is still in force the President can revoke them all in theory in order to secure the landing of one cable in a foreign country. He has that power.

Mr. KELLOGG. Perhaps I do not understand the Senator, but I can state a concrete case as one in which I think the President should have this power, the French cable case, where cables were landed in this country under certain conditions. The understanding was that those cables should exercise the same rights in the United States as United States cables exercised in France. Ought not the President to have the power to say he will revoke their license if the French Government does not give us such rights?

Mr. ROBINSON. I think that is true, but are we not giving him that power, and is it necessary to grant him power to revoke every license of every cable that may be operated only to accomplish the landing of a particular cable? That is my construction, and according to the statement of the Senator from Iowa [Mr. CUMMINS] he agrees with me.

Mr. KELLOGG. I can not imagine the President revoking the license to land cables running to France because some license was revoked covering cables running to South America, but I do not think we ought to whittle down the power, because if we do we will deprive the President of the power necessary to negotiate for rights with reference to American cables.

Mr. CUMMINS. The Senator from Arkansas I think is in error in one respect, and while it is not material to the present question he ought to be set right. As I understand it, the President has not the power and is not given the power to revoke licenses granted under the bill. The Congress reserves the power, but the President is not given the power to revoke licenses.

Mr. ROBINSON. May I read the language of the amendment as now proposed by the Senator from Minnesota, and that is all the reply I can make to that statement:

That the President may withhold or revoke such license when he shall be satisfied that such action will assist in securing rights for the landing or operation of cables in foreign countries—

And so forth. Now the power to revoke relates to every license granted at the time of the revocation, and that power, if the President chooses to do so, can be exercised as to every license granted in order to secure the landing of one cable if in his opinion it is important that that should be done.

Mr. CUMMINS. I think the Senator from Arkansas does not catch my point. I understood him to say that there was a general power of revocation of licenses granted under the terms of the bill. I do not so understand it. The President can revoke any license that we grant under the bill if he finds it necessary to assist in securing rights for the landing or operation of cables in foreign countries or in maintaining the rights or interests of the United States or its citizens in foreign countries, but only for that reason.

Mr. ROBINSON. That is the very point I am making. I say that under that language if the President desires, for instance, to secure the landing of a cable in France he could revoke the license of every company operating a foreign cable, no matter whether the company was owned by American citizens or to what country it was operating. Under that language, in order to secure rights of landing or operating cables in foreign countries, he can revoke all licenses theretofore issued if he thinks it important to do so.

Mr. KELLOGG. The Senator will see that under section 3 the President would have to go into court. It is my intention to propose an amendment which will cover the question of the revocation of licenses so that the President would have to go into court to attain that end the same as he would be compelled to do to prevent the landing. In other words, under section 3 the President can apply to any district court of the United States, and when that section is reached I shall ask to have a few words added to make it a little more clear.

Mr. KING. Mr. President—

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Minnesota yield to the Senator from Utah?

Mr. KELLOGG. Certainly.

Mr. KING. May I inquire of the Senator whether the amendment which he is about to tender will go to the extent of prohibiting the President from revoking a license without applying to the courts?

Mr. KELLOGG. Oh, no; of course, he would have to apply to the courts to enforce it. He may apply to any court in the United States to enforce it.

Mr. KING. He will have the power of revocation without applying to the courts?

Mr. KELLOGG. Oh, certainly; he would have to act first. I ask to have section 2 agreed to, if there is no objection.

The PRESIDING OFFICER. The question is on agreeing to the substitute offered by the Senator from Minnesota.

Mr. KING. Mr. President, I do not intend to attempt while the bill is before the Senate to draft an amendment that I think might cover the point which I suggested a moment ago and to which the Senator from Iowa [Mr. CUMMINS] has just replied. I appreciate the difficulty that one would experience in attempting to meet all the exigencies and contingencies that may suggest themselves with respect to the granting or revocation of licenses; but it does seem to me that there could be some general language employed which would form the basis for the revocation of licenses. The section grants, in my opinion, too much power to the President. There is not sufficient restriction or limitation upon the discretion which may be exercised by him.

The PRESIDING OFFICER. The question is on the substitute offered by the Senator from Minnesota.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. KELLOGG. In the next section, section 3, after the word "landed" in line 20, I move to insert the words "or is being operated."

The PRESIDING OFFICER. The Senator from Minnesota offers the following amendment, which the Secretary will report.

The READING CLERK. On page 2, line 20, after the word "landed," insert the words "or is being operated," so that it will read "or has been landed or is being operated in violation of this act," and so forth.

The amendment was agreed to.

Mr. KELLOGG. In line 21, after the word "landing," at the end of the line, I move to insert the words "or operation."

The PRESIDING OFFICER. The Senator from Minnesota offers the following amendment, which the Secretary will report.

The READING CLERK. On page 2, line 21, after the word "landing," insert the words "or operation," so that it will read, "shall have jurisdiction to enjoin the landing or operation of such cable," and so forth.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will report the next amendment of the committee.

The READING CLERK. The next amendment of the committee is, on page 3, after line 13, to insert a new section, section 6, to read as follows:

SEC. 6. That no vested right shall accrue to any Government, person, or corporation under the terms of this act that may not be changed, modified, or amended by the Congress.

Mr. KELLOGG. The Senator from Florida [Mr. FLETCHER] has an amendment to offer to the amendment of the committee.

Mr. FLETCHER. I move to strike out the word "vested," in line 14, so that it will read, "That no right shall accrue," and so forth, instead of "no vested right shall accrue."

The PRESIDING OFFICER. The Senator from Florida offers the following amendment, which the Secretary will report.

The READING CLERK. On page 3, line 14, strike out the word "vested," so as to read "that no right shall accrue to any Government," and so forth.

The amendment to the amendment was agreed to.

Mr. FLETCHER. I move to amend further in line 16, after the word "be," by inserting the word "rescinded."

The PRESIDING OFFICER. The Secretary will report the proposed amendment to the amendment.

The READING CLERK. On page 3, line 16, after the word "be," insert the word "rescinded," so that it will read "may not be rescinded, changed, modified, or amended by the Congress."

Mr. KELLOGG. If the Senator will pardon me, as to the first amendment, it would have to be a vested right or it could be changed without an act of Congress.

Mr. ROBINSON. But if it is a vested right it can not be changed.

Mr. KELLOGG. I have no objection to it. What is the other amendment?

Mr. FLETCHER. I think we should vest the power in the President to rescind any right that may have been created—to rescind it as well as to modify it.

Mr. KELLOGG. What is the word the Senator wishes to insert?

Mr. FLETCHER. I move to insert the word "rescinded," after the word "be," in line 16, so that it will read:

That no right shall accrue to any Government, person, or corporation under the terms of this act which may not be rescinded, changed, modified, or amended by the Congress.

Mr. KELLOGG. I have no objection to that.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. KELLOGG. My attention has been called to a statute of the United States providing that no law shall apply to the Philippine Islands unless it is specifically so provided in the act, and the Secretary of State suggested that after the words "Canal Zone," on page 3, line 11, there should be inserted the words "the Philippine Islands." My own judgment is that that is not necessary, but the Secretary of State desires it, and I move that amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

Mr. JONES of Washington. I merely wish to ask the Senator from Minnesota a question. In section 4, page 3, line 5, I notice the language reads:

That whoever wittingly commits—

The word "wittingly" struck me as rather an unusual word, the word "knowingly" being ordinarily employed.

Mr. KELLOGG. It means knowingly, but I am willing to change it.

Mr. JONES of Washington. I do not ask that it be changed; I am willing to take the Senator's judgment as to the language; but I merely wish to make its meaning clear in the RECORD.

Mr. KELLOGG. I move that the word "wittingly" be changed to "knowingly."

The PRESIDING OFFICER. The amendment proposed by the Senator from Minnesota will be stated.

The ASSISTANT SECRETARY. In section 4, page 3, line 5, after the word "whoever," it is proposed to strike out the word "wittingly" and insert "knowingly."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

"PAGEANT OF PROGRESS EXPOSITION" CANCELLATION STAMP.

Mr. TOWNSEND. I ask unanimous consent to submit a report from the Committee on Post Offices and Post Roads.

The PRESIDING OFFICER. In the absence of objection, the report will be received.

Mr. TOWNSEND. From the Committee on Post Offices and Post Roads I report favorably without amendment the bill (H. R. 2185) providing for a "Pageant of Progress Exposition" cancellation stamp to be used by the Chicago post office, and I ask unanimous consent that it may be acted upon at this time. It is a bill which passed the other House unanimously, authorizing the post office at Chicago to use a distinctive canceling stamp in connection with the exposition to be held in that city in July and August of this year. The bill makes no appropriation, and similar legislation has frequently heretofore been passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to permit the use in the Chicago post office of special canceling stamps bearing the following words and figures: "Pageant of Progress Exposition, Chicago, July 30 to August 14, 1921."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL BUDGET SYSTEM.

Mr. McCORMICK. I desire to call up for consideration Senate bill 1084, being the budget bill, so called.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois to proceed to the consideration of the bill indicated by him, the title of which will be stated.

The ASSISTANT SECRETARY. A bill (S. 1084) to provide a national budget system and an independent audit of Government accounts, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Expenditures in the Executive Departments without amendment.

The bill was read, as follows:

Be it enacted, etc., That this act may be cited as the "Budget and accounting act, 1921."

TITLE 1.—DEFINITIONS.

SEC. 2. That when used in this act—

The terms "department and establishment" and "department or establishment" mean any executive department, independent commission, board, bureau, office, agency, or other establishment of the Government, including the municipal government of the District of Columbia, but do not include the legislative branch of the Government or the Supreme Court of the United States;

The term "the budget" means the budget required by section 201 to be transmitted to Congress;

The term "bureau" means the bureau of the budget;

The term "director" means the director of the bureau of the budget; and

The term "assistant director" means the assistant director of the bureau of the budget.

TITLE 2.—THE BUDGET.

SEC. 201. That the President shall transmit to Congress on the first day of each regular session, the budget, which shall set forth in summary and in detail:

(a) Estimates of the expenditures and appropriations necessary in his judgment for the support of the Government for the ensuing fiscal year; except that the estimates for such year for the legislative branch of the Government and the Supreme Court of the United States shall be transmitted to the President on or before October 15 of each year, and shall be included by him in the budget without revision;

(b) His estimates of the receipts of the Government during the ensuing fiscal year, under (1) laws existing at the time the budget is transmitted, and also, (2) under the revenue proposals, if any, contained in the budget;

(c) The expenditures and receipts of the Government during the last completed fiscal year;

(d) Estimates of the expenditures and receipts of the Government during the fiscal year in progress;

(e) The amount of annual, permanent, or other appropriations, including balances of appropriations for prior fiscal years, available for expenditure during the fiscal year in progress, as of November 1 of such year;

(f) Balanced statements of (1) the condition of the Treasury at the end of the last completed fiscal year, (2) the estimated condition of the Treasury at the end of the fiscal year in progress, and (3) the estimated condition of the Treasury at the end of the ensuing fiscal year if the financial proposals contained in the budget are adopted;

(g) All essential facts regarding the bonded and other indebtedness of the Government; and

(h) Such other financial statements and data as in his opinion are necessary or desirable in order to make known in all practicable detail the financial condition of the Government.

SEC. 202. (a) That if the estimated receipts for the ensuing fiscal year contained in the budget, on the basis of laws existing at the time the budget is transmitted, plus the estimated amounts in the Treasury at the close of the fiscal year in progress, available for expenditure in the ensuing fiscal year, are less than the estimated expenditures for the ensuing fiscal year contained in the budget, the President in the budget shall make recommendations to Congress for new taxes, loans, or other appropriate action to meet the deficiency.

(b) If the aggregate of such estimated receipts and such estimated amounts in the Treasury is greater than such estimated expenditures for the ensuing fiscal year, he shall make such recommendations as in his opinion the public interests require.

SEC. 203. (a) The President from time to time may transmit to Congress supplemental or deficiency estimates for such appropriations or expenditures as in his judgment (1) are necessary on account of laws enacted after the transmission of the budget, or (2) are otherwise in the public interest. He shall accompany such estimates with a statement of the reasons therefor, including the reasons for their omission from the budget.

(b) Whenever such supplemental or deficiency estimates reach an aggregate which, if they had been contained in the budget, would have required the President to make a recommendation under subdivision (a) of section 202, he shall thereupon make such recommendation.

SEC. 204. (a) Except as otherwise provided in this act, the contents, order, and arrangement of the estimates of appropriations and the statements of expenditures and estimated expenditures contained in the budget or transmitted under section 203, and the notes and other data submitted therewith, shall conform to the requirements of existing law.

(b) Estimates for lump-sum appropriations contained in the budget or transmitted under section 203 shall be accompanied by statements showing, in such detail and form as may be necessary to inform Congress, the manner of expenditure of such appropriations and of the corresponding appropriations for the fiscal year in progress and the last completed fiscal year. Such statements shall be in lieu of statements of like character now required by law.

SEC. 205. The President, in addition to the budget, shall transmit to Congress on the first Monday in December, 1921, for the service of the fiscal year ending June 30, 1923, only, an alternative budget, which shall be prepared in such form and amounts and according to such system of classification and itemization as is, in his opinion, most appropriate, with such explanatory notes and tables as may be necessary to show where the various items embraced in the budget are contained in such alternative budget.

SEC. 206. No estimate or request for an appropriation and no request for an increase in an item of any such estimate or request, and no recommendation as to how the revenue needs of the Government should be met, shall be submitted to Congress or any committee thereof by any officer or employee of any department or establishment, unless at the request of either House of Congress.

SEC. 207. That there is hereby created in the Treasury Department a bureau to be known as the bureau of the budget. There shall be in the bureau a director and an assistant director, who shall be nominated by the President and appointed by him, by and with the advice and consent of the Senate, and shall receive salaries of \$10,000 and \$9,000 a year, respectively. The assistant director shall perform such duties as the director may designate, and during the absence or incapacity of the director or during a vacancy in the office of director he shall act as director. The bureau, under the direction of the Secretary of the Treasury, shall prepare the budget, the alternative budget, and any supplemental deficiency estimates, and to this end shall have authority to assemble, correlate, revise, reduce, or increase the estimates of the several departments or establishments.

SEC. 208. (a) That the director, with the approval of the Secretary of the Treasury, shall appoint and fix the compensation of such attorneys and other employees and make such expenditures for rent in the District of Columbia, printing, binding, telegrams, telephone service, law books, books of reference, periodicals, stationery, furniture, office equipment, other supplies, and necessary expenses of the office, as Congress may from time to time provide.

(b) No person appointed by the director shall be paid a salary at a rate in excess of \$6,000 a year, and not more than four persons so appointed shall be paid a salary at a rate in excess of \$5,000 a year.

(c) All employees in the bureau whose compensation is at a rate of \$5,000 a year or less shall be appointed in accordance with the civil service laws and regulations.

(d) The provisions of law prohibiting the transfer of employees of executive departments and independent establishments until after service of three years and the provision that no civil employee in any department or establishment shall be employed and paid from a lump-sum appropriation in any other department or establishment at an increased rate of compensation as provided in section 7 of the urgent deficiency act of October 6, 1917, shall not apply during the fiscal years ending June 30, 1921, and June 30, 1922, to the bureau.

(e) The bureau shall not be construed to be a bureau or office created since January 1, 1916, so as to deprive employees therein of the additional compensation allowed civilian employees under the provisions of section 6 of the legislative, executive, and judicial appropriation act for the fiscal years ending June 30, 1921, and June 30, 1922, if otherwise entitled thereto.

SEC. 209. That the bureau shall from time to time make a detailed study of the departments and establishments for the purpose of enabling the President to determine what changes (with a view of securing greater economy and efficiency in the conduct of the public service) should be made in (1) the existing organization, activities, and methods of business of such departments or establishments, (2) the appropriations therefor, (3) the assignment of particular activities to particular services, or (4) the regrouping of services. The results of such study shall be embodied in a report or reports to the President, who may transmit to Congress such report or reports or any part thereof with his recommendations on the matters covered thereby.

SEC. 210. That the bureau shall prepare for the President a codification of all laws or parts of laws relating to the preparation and transmission to Congress of statements of receipts and expenditures of the Government and of estimates of appropriations. The President shall transmit the same to Congress on or before the first Monday in December, 1921, with a recommendation as to the changes which, in his opinion, should be made in such laws or parts of laws.

SEC. 211. That the powers and duties relating to the compiling of estimates now conferred and imposed upon the Division of Bookkeeping and Warrants of the office of the Secretary of the Treasury are transferred to the bureau.

SEC. 212. That the bureau shall, at the request of any committee of either House of Congress having jurisdiction over revenue or appropriations, furnish the committee such aid and information as it may request.

SEC. 213. That under such regulations as the President may prescribe, (1) every department and establishment shall furnish to the bureau such information as the bureau may from time to time require, and (2) the director and the assistant director, or any employee of the bureau when

duly authorized, shall, for the purpose of securing such information, have access to, and the right to examine, any books, documents, papers, or records of any such department or establishment.

SEC. 214. (a) That the head of each department and establishment shall designate an official thereof as budget officer therefor, who, in each year under his direction and on or before a date fixed by him, shall prepare the departmental estimates.

(b) Such budget officer shall also prepare, under the direction of the head of the department or establishment, such supplemental and deficiency estimates as may be required for its work.

SEC. 215. That the head of each department and establishment shall revise the departmental estimates and submit them to the bureau on or before September 15 of each year. In case of his failure so to do, the President shall cause to be prepared such estimates and data as are necessary to enable him to include in the budget estimates and statements in respect to the work of such department or establishment.

SEC. 216. That the departmental estimates and any supplemental or deficiency estimates submitted to the bureau by the head of any department or establishment shall be prepared and submitted in such form, manner, and detail as the President may prescribe.

SEC. 217. That for expenses of the establishment and maintenance of the bureau there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$225,000, to continue available during the fiscal year ending June 30, 1922.

TITLE 3.—GENERAL ACCOUNTING OFFICER.

SEC. 301. That there is created an establishment of the Government to be known as the general accounting office, which shall be independent of the executive departments and under the control and direction of the comptroller general of the United States. The offices of Comptroller of the Treasury and Assistant Comptroller of the Treasury are abolished, to take effect July 1, 1921. All other officers and employees of the office of the Comptroller of the Treasury shall become officers and employees in the general accounting office at their grades and salaries on July 1, 1921, and all books, records, documents, papers, furniture, office equipment, and other property of the office of the Comptroller of the Treasury shall become the property of the general accounting office. The comptroller general is authorized to adopt a seal for the general accounting office.

SEC. 302. That there shall be in the general accounting office a comptroller general of the United States and an assistant comptroller general of the United States, who shall be nominated by the President and appointed by him by and with the advice and consent of the Senate, and shall receive salaries of \$10,000 and \$7,500 a year, respectively. The assistant comptroller general shall perform such duties as may be assigned to him by the comptroller general, and during the absence or incapacity of the comptroller general, or during a vacancy in that office, shall act as comptroller general.

SEC. 303. That the comptroller general and the assistant comptroller general shall hold office for seven years, but may be removed at any time by joint resolution of Congress after notice and hearing, when, in the judgment of Congress, the comptroller general or assistant comptroller general has been inefficient, or guilty of neglect of duty, or of malfeasance in office, or of any felony or conduct involving moral turpitude, and for no other cause and in no other manner except by impeachment. Any comptroller general or assistant comptroller general removed in the manner herein provided shall be ineligible for reappointment to that office. When a comptroller general or assistant comptroller general attains the age of 70 years he shall be retired from his office.

SEC. 304. That all powers and duties now conferred or imposed by law upon the Comptroller of the Treasury or the six auditors of the Treasury Department, and the duties of the Division of Bookkeeping and Warrants of the office of the Secretary of the Treasury relating to keeping the personal ledger accounts of disbursing and collecting officers, shall, so far as not inconsistent with this act, be vested in and imposed upon the general accounting office and be exercised without direction from any other officer. The balances certified by the comptroller general shall be final and conclusive upon the executive branch of the Government. The revision by the comptroller general of settlements made by the six auditors shall be discontinued, except as to settlements made before July 1, 1921.

SEC. 305. That section 236 of the Revised Statutes is amended to read as follows:

"SEC. 236. All claims and demands whatever by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or creditors, shall be settled and adjusted in the general accounting office."

SEC. 306. That all laws relating generally to the administration of the departments and establishments shall, so far as applicable, govern the general accounting office. Copies of any books, records, papers, or documents, and transcripts from the books and proceedings of the general accounting office, when certified under its seal, shall be admitted as evidence with the same effect as the copies and transcripts referred to in sections 882 and 886 of the Revised Statutes.

SEC. 307. That the Comptroller General may provide for the payment of accounts or claims adjusted and settled in the general accounting office, through disbursing officers of the several departments and establishments instead of by warrant.

SEC. 308. That the duties now appertaining to the Division of Public Monies of the office of the Secretary of the Treasury, so far as they relate to the covering of revenues and repayments into the Treasury, the issue of duplicate checks and warrants, and the certification of outstanding liabilities for payment, shall be performed by the Division of Bookkeeping and Warrants of the office of the Secretary of the Treasury.

SEC. 309. That the Comptroller General shall prescribe the forms, systems, and procedure for administrative appropriation and fund accounting in the several departments and establishments, and for the administrative examination of fiscal officers' accounts and claims against the United States.

SEC. 310. That the offices of the six auditors shall be abolished, to take effect July 1, 1921. All other officers and employees of these offices shall become officers and employees in the general accounting office at their grades and salaries on July 1, 1921. All books, records, documents, papers, furniture, office equipment, and other property of these offices, and of the Division of Bookkeeping and Warrants, so far as they relate to the work of such division transferred by section 304, shall become the property of the general accounting office. The general accounting office shall occupy temporarily the rooms now occupied by the office of the Comptroller of the Treasury and the six auditors.

SEC. 311. (a) That the comptroller general shall appoint, remove, and fix the compensation of such attorneys and other employees in the general accounting office as may from time to time be provided for by Congress.

(b) All such appointments, except to positions carrying a salary at a rate of more than \$5,000 a year, shall be made in accordance with the civil service laws and regulations.

(c) No person appointed by the comptroller general shall be paid a salary at a rate of more than \$6,000 a year, and not more than four persons shall be paid a salary at a rate of more than \$5,000 a year.

(d) All officers and employees of the general accounting office, whether transferred thereto or appointed by the comptroller general, shall perform such duties as may be assigned to them by him.

(e) All official acts performed by such officers or employees specially designated therefor by the comptroller general shall have the same force and effect as though performed by the comptroller general in person.

(f) The comptroller general shall make such rules and regulations as may be necessary for carrying on the work of the general accounting office, including rules and regulations concerning the admission of attorneys to practice.

SEC. 312. (a) That the comptroller general shall investigate, at the seat of government or elsewhere, all matters relating to the receipt and disbursement of public funds, and shall make to the President when requested by him, and to Congress at the beginning of each regular session, a report in writing of the work of the general accounting office, containing recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlement of accounts and concerning such other matters relating to the receipt and disbursement of public funds as he may think advisable. In such regular report, or in special reports at any time when Congress is in session, he shall make recommendations looking to greater economy or efficiency in public expenditures.

(b) He shall make such investigations and reports as shall be ordered by either House of Congress or by any committee of either House having jurisdiction over revenue, appropriations, or expenditures. The comptroller general shall also, at the request of any such committee, direct assistants from his office to furnish the committee such aid and information as it may request.

(c) The comptroller general shall specially report to Congress every expenditure or contract made by any department or establishment in any year in violation of law.

(d) He shall submit periodically to Congress reports upon the adequacy and effectiveness of the administrative examination of accounts and claims in the respective departments and establishments and upon the adequacy and effectiveness of departmental inspection of the offices and accounts of fiscal officers.

(e) He shall furnish such information relating to expenditures and accounting to the bureau of the budget as it may request from time to time.

SEC. 313. That all departments and establishments shall furnish the comptroller general such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the comptroller general, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department or establishment. The authority contained in this section shall not be applicable to expenditures made under the provisions of section 291 of the Revised Statutes.

SEC. 314. That the Civil Service Commission shall establish an eligible register for accountants for the general accounting office, and the examinations of applicants for entrance upon such register shall be based upon questions approved by the comptroller general.

SEC. 315. (a) That all appropriations for the fiscal year ending June 30, 1922, for the offices of the Comptroller of the Treasury and the six auditors are transferred to and made available for the general accounting office.

(b) During such fiscal year the comptroller general, within the limit of the total appropriations available for the general accounting office, may make such changes in the number and compensation of officers and employees appointed by him or transferred to the general accounting office under this act as may be necessary.

(c) There shall also be transferred to the general accounting office such portions of the appropriations for rent and contingent and miscellaneous expenses, including allotments for printing and binding, made for the Treasury Department for the fiscal year ending June 30, 1922, as are equal to the amounts expended from similar appropriations during the fiscal year ending June 30, 1921, by the Treasury Department for the offices of the Comptroller of the Treasury and the six auditors.

(d) During the fiscal year ending June 30, 1922, the appropriations and portions of appropriations referred to in this section shall be available for salaries and expenses of the general accounting office, including payment for rent in the District of Columbia, traveling expenses, the purchase and exchange of law books, books of reference, and for all necessary miscellaneous and contingent expenses.

SEC. 316. That the general accounting office shall not be construed to be a bureau or office created since January 1, 1916, so as to deprive employees therein of the additional compensation allowed civilian employees under the provisions of section 6 of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1922, if otherwise entitled thereto.

SEC. 317. That the provisions of law prohibiting the transfer of employees of executive departments and independent establishments until after service of three years and the provision that no civil employee in any department or establishment shall be employed and paid from a lump-sum appropriation in any other department or establishment at an increased rate of compensation as provided in section 7 of the urgent deficiency act of October 3, 1917, shall not apply during the fiscal year ending June 30, 1922, to the general accounting office.

SEC. 318. That this act shall take effect upon its approval by the President: *Provided*, That sections 301 to 317, inclusive, relating to the general accounting office, shall take effect July 1, 1921.

Mr. ROBINSON. Mr. President, I have observed in the reading of the bill that it is very similar to the measure passed during the last session of Congress which was vetoed. I should like to have the chairman of the committee reporting the bill state the essential differences, if there are any, between this bill and the one that was considered at the last session.

Mr. MCCORMICK. Mr. President, the differences for all practical purposes are confined, first, to section 207. That section follows the text of the bill as it passed the Senate in the

first instance, but differs from the text of the bill reported from conference and passed, in that the present language reads:

There is hereby created in the Treasury Department a bureau, to be known as the bureau of the budget.

The language of the compromise bill ran somewhat as follows:

There is hereby created a bureau of the budget. The Secretary of the Treasury shall be the director thereof.

On page 7, in sections (d) and (e), there are a few lines to permit the transfer of employees now in other bureaus of the Treasury to the bureau of the budget without loss of status or compensation.

If the Senator will turn to page 11, section 303, he will find the section which perhaps he wishes to consider. The bill passed by the last Congress provided that the comptroller general should be appointed for life, and could be removed by concurrent resolution.

Section 303 of the bill before the Senate provides that the comptroller general shall be appointed for seven years, but may be removed by joint resolution.

Mr. ROBINSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Arkansas?

Mr. McCORMICK. Certainly.

Mr. ROBINSON. As I recall it, one of the reasons assigned by the Executive in justifying the veto was that it deprived the Executive of his constitutional power of appointment, or impinged upon it. This bill, as reported, seems to meet that objection by requiring that removal shall be by joint resolution, which, of course, must be either with the approval of the Executive, or passed over his veto by a two-thirds vote. That would seem to meet, in large degree at least, the objection which was urged by the Executive when he vetoed the bill.

Mr. McCORMICK. Let me say to the Senator that I sought such legal advice as I could get in several quarters in order to meet that point as far as possible, and this, in the judgment at least of those very able lawyers, meets it. I might add in this connection that the committee, of which the ranking Member on the Democratic side is the leader of the minority, the Senator from Alabama [Mr. UNDERWOOD], voted unanimously to report the bill now before the Senate.

Mr. ROBINSON. I would like to ask the Senator a question about paragraph (b) on page 7. Is that identical with the provision in the former bill?

Mr. McCORMICK. No, Mr. President. There is a correction in the figure there to make the rate of compensation for these officers in the bureau of the budget correspond to that of officers in the accounting department.

Mr. ROBINSON. I observe that the subsection provides that—

No person appointed by the director shall be paid a salary at a rate in excess of \$6,000 a year, and not more than four persons so appointed shall be paid a salary at a rate in excess of \$5,000 a year.

That creates four positions at a compensation of \$5,000 a year each, and those four positions are taken out of the civil service under a subsequent provision, the provision just following the one I have read. What was the reason for exempting those four positions from the civil-service rules and regulations?

Mr. McCORMICK. The Senator will recall that there was a provision for the same exemption in the bill which passed at the last session. Let me illustrate, if the Senator will permit. There is in the Library of Congress, for example, a very able member of the reference bureau. I do not know whether he would care to be appointed in the budget bureau or not, but he is a student of this subject and he ought to be eligible for appointment in the bureau. It happens that he is of the opposite political faith from my own and comes from the State of the leader of the minority. If I were asked by the director of the budget bureau to recommend a man for appointment, I should most certainly recommend him. We have to build this bureau from the foundation. That is the reason for the exemption of those persons.

Mr. ROBINSON. The Senator has not stated, as I recall his expression, the reason why that person would be disqualified from a civil-service appointment.

Mr. McCORMICK. He is not on the civil-service list.

Mr. ROBINSON. He might easily acquire a civil-service status.

Mr. McCORMICK. He might be older than the law or the regulations would permit. This provision was in the bill as it passed in the last Congress, and the Senator remembers that the Senator from North Carolina [Mr. OVERMAN] had a very important part in drawing that bill; perhaps more important than that of any other Senator.

Mr. SMOOT. This was put in for the purpose of not hampering the budget bureau in getting the best men in the United States.

Mr. ROBINSON. Who, on account of their age, were ineligible under civil-service rules and regulations?

Mr. SMOOT. That is practically the case.

Mr. HARRISON. While the Senator from Illinois is on his feet I desire to ask him a question. I notice that under the bill which passed at the last session the director was to receive \$10,000 a year.

Mr. McCORMICK. That is correct.

Mr. HARRISON. And under this bill he is to receive \$10,000?

Mr. McCORMICK. Yes.

Mr. HARRISON. The assistant director under the other bill was to receive \$7,500 and under this bill he is to receive \$9,000. What is the reason for that change?

Mr. McCORMICK. Mr. President, in conference with the chairman of the House committee in charge of the bill we canvassed the probable duties of the assistant director, especially during the first year or two of the life of the bill. It was his judgment, in which I concurred, that the responsibility of the assistant and the burden of work upon him would be very nearly as great as on the director.

It was our judgment that we would really find difficulty in finding men able to fill the two places, and it was for that reason I made the change, as he did in the bill which he purposed to introduce, and introduced the bill with that salary of \$9,000.

Mr. HARRISON. There are no duties given to the assistant director in this bill that were not given in the other bill?

Mr. McCORMICK. No.

Mr. HARRISON. Under the pending bill the comptroller general will receive \$10,000 a year?

Mr. McCORMICK. Yes.

Mr. HARRISON. The bill which passed the Senate and the House provided that he should receive \$10,000 a year?

Mr. McCORMICK. Yes.

Mr. HARRISON. The assistant comptroller general, under this bill, will receive \$9,000 a year. Is that right?

Mr. McCORMICK. No. If the Senator will turn to page 11, he will find that the assistant comptroller general is to receive \$7,500 a year.

Mr. HARRISON. Why does the bill provide that he is to receive \$7,500 and the assistant director \$9,000?

Mr. McCORMICK. Because in the bureau of the budget a great deal more initiative, a far wider exercise of judgment, will be required of the assistant director than of the assistant comptroller general. It is a more difficult place to fill.

Mr. HARRISON. Referring to the question propounded by the Senator from Arkansas [Mr. ROBINSON], the bill which passed the Senate and the House at the last session did not carry those four places paying \$6,000 each, did it?

Mr. McCORMICK. Has the Senator the bill before him?

Mr. HARRISON. Yes; but I have read it hurriedly.

Mr. McCORMICK. It is my recollection that those places were rated at \$5,000 each in the other bill.

Mr. HARRISON. Why does this bill provide for four places at \$6,000 when the other bill did not?

Mr. McCORMICK. If the Senator will turn to page 15, section (c), he will find the explanation there.

Mr. HARRISON. I find the explanation there. It says:

No person appointed by the comptroller general shall be paid a salary at a rate of more than \$6,000 a year, and not more than four persons shall be paid a salary at a rate of more than \$5,000 a year.

But in the bill which passed the Senate and the House before I find that no person appointed by the director shall be paid a salary in excess of \$5,000, and not more than three persons appointed by him shall be paid salaries at that rate. Why that difference?

Mr. McCORMICK. Because in reintroducing the bill, Mr. President, I believed that the deputies in the office of the director would have to discharge responsibilities fully as great as those in the office of the comptroller general and should be equally well paid.

Mr. HARRISON. But I am wondering if in the committee certain facts were revealed which convinced the committee that the Senate and the House were wrong in the last Congress in making a provision for these employees, not more than three in number to receive not more than \$5,000 a year; but at this time they provide for employees without limit at \$5,000, and in addition to that four at \$6,000.

Mr. McCORMICK. Has the Senator before him the bill which originally passed the Senate—not the bill as reported from the conference?

Mr. HARRISON. This is the act as it passed the House and the Senate.

Mr. McCORMICK. I think if the Senator had the bill as it originally passed the Senate he would find that the provisions of this bill, while they differ from the bill as it was reported

from the conference, are substantially identical with those in the bill as it originally passed the Senate.

Mr. HARRISON. I might say to the Senator that I am in thorough sympathy with the purposes of this bill; I hope that much good will flow from it. But at this time, when we are trying to practice very strict economy, and trying to retrench as much as possible and reorganize the various branches of the Government, in order to save expenses and to save the taxpayers of the country from heavy taxes, it is a little strange that we should begin now to embark upon a policy of adding four places at \$6,000 a year when the Senate and the House in the last Congress agreed that they would only put in three places at \$5,000. I do not say that in criticism.

Mr. McCORMICK. What my friend, the Senator from Mississippi, says sounds like an echo of the Baltimore platform of 1912.

Mr. HARRISON. No; I am only following the utterances of Republican leaders on the floor of the Senate and the House at this time, that they are going to retrench.

Mr. McCORMICK. He speaks the very language I have spoken myself and which we will all speak as long as we are in public life.

Mr. HARRISON. I think, Mr. President, in view of the promises the other side of the Senate have made, as well as those we have heard heretofore, and considering the situation in the country to-day, really we ought to strike out those four places at \$6,000 a year and fix the figure at \$5,000.

Mr. McCORMICK. And save \$4,000 a year.

Mr. HARRISON. That may be quite a good deal for the taxpayers.

Mr. McCORMICK. I joined the Senator the other day in voting \$25,000,000, none of which will go into the pockets of any public servant of the United States.

Mr. HARRISON. Yes; I have voted a good deal, I expect, that I should not have voted, as far as that is concerned. If it is necessary to provide for these four places at \$6,000, if the Senator has anything to reveal in the Senate which would show a difference in the conditions from what existed at the last session in regard to this matter, then he might convince us that \$6,000 should be paid to these men.

Mr. McCORMICK. The Senator from Mississippi very well knows that it is purely a matter of judgment. There is no evidence adducible to prove in advance that a man appointed to one of these positions could earn \$5,000 or \$6,000 or that he would be overpaid or underpaid at either salary.

Mr. HARRISON. I am quite sure of that.

Mr. ROBINSON. Mr. President, I observed in the press a day or two ago a statement that a compromise had been reached between the representatives of the two Houses of Congress touching the important matters in dispute on this bill during the last Congress. It appears that some issue arose as to whether the budget should originate with the President or in the Treasury Department. Can the Senator from Illinois give us any information as to whether a compromise on these matters has been made in anticipation of this legislation by the Senate?

Mr. McCORMICK. Mr. President, the difference of opinion between the committees of the two Houses turned upon that section 207, to which I referred when I first replied to the Senator from Arkansas. It was the view of the House committee expressed in the bill which the House originally passed, to which a majority of the members of the House conference committee adhered, that the bureau of the budget should be immediately responsible to the President; indeed, in the language of the bill, that it should be in the executive office of the President. The Senate committee unanimously held to the other view, that the bureau of the budget should be in the Treasury Department. The result was the compromise provision to which I alluded, which passed both Houses.

Mr. WATSON of Indiana. I would like to ask the Senator if it is understood that under this bill it will be in the Treasury Department?

Mr. McCORMICK. Yes.

Mr. WATSON of Indiana. That is, the bureau is to be under the Treasury Department?

Mr. McCORMICK. Yes. That compromise really satisfied none of us on the Senate side who had to do with the drawing of the bill. It was not very satisfactory to some members of the House committee. The Senator will remember that the convention at San Francisco, over which he presided, declared specifically that the bureau of the budget ought to be placed in the Treasury Department. At a conference held some days ago the President expressed the same opinion. The chairman of the House committee and I agreed upon the language which appears in the first lines of 207. Call it a compromise, if you

will. It seems, on the whole, a vindication of the Senate's position, and that especially of the Senator from Arkansas.

Mr. ROBINSON. One further question. I observe, on page 4, that if the budget exceeds the estimated expenditure the President is directed to make recommendations to Congress for new taxes, loans, or other appropriate action to meet the deficiency, and in the following paragraph (b), if the budget is less than the estimated receipts—that is, if the revenues are greater than are necessary—there is no provision directly contemplating a reduction of taxation.

I wonder whether the Senator has given thought to writing into the bill some express provision looking to a time when, if in the providence of the Almighty we should arrive at a situation when the budget shall be less than the revenues, we might hope for a reduction of our taxes.

Mr. McCORMICK. The Senator will recognize that under section (b) the responsibility is laid on the President to outline a policy either for the reduction of taxes or for the carrying out of works which he may deem necessary.

Mr. ROBINSON. Of course, it is questionable whether Congress can direct the President to make any sort of recommendation at all.

Mr. McCORMICK. And that principle runs through the bill.

Mr. ROBINSON. I believe that if Congress can, as it has attempted to do in the paragraph I referred to a moment ago, direct the President to make recommendations to Congress for new taxes, it has an equal power to direct the President to make recommendations for the reduction of taxes or the payment of existing loans. I wonder why it did not occur to some one charged with responsibility directly in this matter to put that ray of light into the bill?

Mr. OVERMAN. There is nothing in the bill that takes away the power of Congress to levy taxes.

Mr. McCORMICK. Nothing whatever.

Mr. ROBINSON. The remark of the Senator from North Carolina does not in any sense meet the suggestion that I made. I repeat that if the power of the President to make recommendations to Congress is a constitutional power, then the Congress itself can neither add to nor detract from it. Congress can not tell the President what he should recommend to it. But if we see fit to tell the President, in spite of the constitutional provisions governing the subject, that he must make recommendations for the levying of new taxes if the budget is greater than the estimated revenues, we might on the other hand also suggest to him to make recommendations for a reduction of taxes if the budget is less than the estimated revenues.

Mr. McCORMICK. The provisions touching the character of the budget and the duty of the President were written in the subcommittee. All the aspects of the question to which the Senator from Arkansas refers were considered by that subcommittee. It was not our judgment that we should lay upon the President the hard-and-fast rule that if there were a surplus he should recommend, and recommend only, a diminution of taxation. He might consider the amortization of the public debt or the carrying out of public works.

Mr. ROBINSON. Or the discovery of some new means of increasing the public expenditures.

Mr. McCORMICK. Of course.

Mr. SMOOT. I think both the Senator from Arkansas and the Senator from Illinois will be dead long, long years before such a thing happens.

Mr. ROBINSON. And the Senator from Utah will be in the same unfortunate category.

Mr. SMOOT. No doubt I will.

Mr. WATSON of Indiana. Probably that is why the Senator from Arkansas appealed to Providence on the question of a reduction of taxation, because, judging from the present outlook, if taxes are ever reduced it will be by providential and not congressional action.

Mr. McCORMICK. Mr. President, there are two typographical errors in the bill, which I ask to have corrected by amendment. I move, on page 6, line 17, that the word "or" be inserted after the word "supplemental."

The VICE PRESIDENT. The Secretary will state the proposed amendment.

The ASSISTANT SECRETARY. On page 6, line 17, insert the word "or" after the word "supplemental," so that it will read: "Any supplemental or deficiency estimate."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. McCORMICK. On page 10, line 21, I move that the letter "r," at the end of the word "officer," the last word in the title, be stricken out.

The VICE PRESIDENT. The proposed amendment will be stated.

The ASSISTANT SECRETARY. On page 6, line 21, in title 3, strike out the word "officer" and insert in lieu thereof the word "office."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. McCORMICK. I have no other amendments to offer, and there are no committee amendments.

Mr. HARRISON. Mr. President, I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. Strike out subdivision (b), on page 7, embraced in lines 3, 4, 5, and 6, and insert in lieu thereof the following:

No person appointed by the director shall be paid a salary in excess of \$5,000 a year, and not more than three persons appointed by him shall be paid a salary at that rate.

Mr. HARRISON. Mr. President, I merely desire to say in this connection that that is following the exact language of the bill that was passed at the previous session of Congress and which was vetoed by President Wilson. It would seem to me that if at that time the salary was fixed and the number was fixed at that salary, certainly in view of present conditions in the country and the order of retrenchment that is going on we ought not to provide more places at higher salaries. For that reason I have proposed the amendment.

Mr. McCORMICK. Mr. President, I merely wish to repeat what I have already said by way of reply to the Senator from Mississippi on that point. The question of the payment of a salary of \$6,000 a year to four persons as against the payment of a salary of \$5,000 a year to three persons is one of discretion and judgment. I very much hope that the amendment offered by my friend from Mississippi will not be agreed to by the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

On a division, the amendment was rejected.

Mr. HARRISON. I desire to offer another amendment. On page 6, line 11, I move to strike out "\$9,000" and insert "\$7,500." This is the salary to be paid the assistant director.

I have offered the amendment for the reason that when the legislation was before the Senate at the previous session of Congress it provided for the assistant director to be paid \$7,500 and the director \$10,000. The judgment of the Senate was that the salary of the assistant director should be \$7,500 and the judgment of the House was the same. I see no reason why the salary should be increased at this time \$1,500, as I am quite sure that there are enough of long, lean, hungry, lanky Republicans—

Mr. SMOOT. And Democrats—

Mr. HARRISON. Yes—

Mr. McCORMICK. More Democrats now.

Mr. HARRISON. Yes; if they should have the audacity to ask for it, and would take the position and be glad to serve at that salary.

Mr. McCORMICK. In order to put the position within the reach of the Democrats, I am willing to accept the amendment.

Mr. HARRISON. I thank the Senator. I was in hopes the Senator from Illinois would accept the amendment I offered a moment ago, but on the division I noticed that every Democrat voted to cut down the amount as a matter of economy. If any did not so vote, he escaped my eye and I did not see him. I noticed, too, that all the Republicans present voted to create these four additional places at this very high increase of salary. I am glad to see that the spirit of economy has come over the dreams of the distinguished Senator from Illinois and that he accepts my last amendment.

The VICE PRESIDENT. The proposed amendment will be stated.

The ASSISTANT SECRETARY. The Senator from Mississippi moves, on page 6, in line 11, to strike out \$9,000 and insert in lieu \$7,500.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. KING. Mr. President, may I inquire of the Senator having the bill in charge whether from the aggregate "lump-sum" appropriation there may be created more positions than now exist in these departments? In other words, is there any limitation other than that fixed by the amount appropriated in this bill upon the number of employees that may be brought into service in the various bureaus or subbureaus created?

Mr. McCORMICK. The Senator, who shared in the labor upon the first bill, will remember that there was a limit fixed for the expenditure.

Mr. KING. There was a limit of \$225,000.

Mr. McCORMICK. But there is no other limitation. The committee at the time the bill was drawn did not believe that, creating a bureau de novo, we could fix the exact salaries or the exact number of employees. It was for that reason that we fixed the limit of \$225,000, and if the Senator will remember that was less than the sum we originally proposed to be appropriated for the use of the bureau.

Mr. KING. As the Senator said, I was on the subcommittee in the former Congress that prepared the budget bill which was reported to the Senate. I have had no opportunity to compare the provisions of this measure with the bill passed at the last session of Congress, and my inquiry is addressed rather to ascertaining what, if any, change is made in the bill with respect to the number of employees provided for to serve within the budget bureau.

Mr. SMOOT. I will say to my colleague that there is no question that the \$225,000 will be used if we get the bill in operation by June 30 of this year. What I am afraid of is that the first year there will be a deficiency. That is the only thing I am afraid of.

I wish to call to the attention of my colleague now the fact that there are already applications for deficiency appropriations to the amount of \$330,000,000 pending before the Committee on Appropriations, deficiencies already existing for the present fiscal year, and that is only to take care of the deficiencies until June 30. I think by June 15 the estimated amount of deficiencies will be nearly \$500,000,000.

Mr. McKELLAR. May I ask the Senator from what departments they come principally?

Mr. SMOOT. The State Department, the War Department, the Navy Department, and nearly every bureau in them.

Mr. McKELLAR. They are coming in here wholesale?

Mr. SMOOT. I expected, Mr. President, that deficiency estimates would come in to a limited amount, but I never thought they would aggregate the total which has been reached.

Mr. McKELLAR. Do deficiency estimates come in in cases where deficiencies are prohibited by law, or only in instances where the law permits deficiencies?

Mr. SMOOT. I will say to the Senator from Tennessee that I have taken the position that the construction of the law—I mean technically—does not allow a deficiency of any kind, but that the Congress of the United States must make an appropriation.

Mr. OVERMAN. The Senator from Utah will admit that a deficiency may be created where Congress requires certain work to be done and provides that an appropriation shall be made. Then, of course, the department has to go on and spend the money.

Mr. SMOOT. In such a case it is not a deficiency.

Mr. OVERMAN. I refer to a case where the money is not provided by an appropriation but Congress directs that a certain thing be done, and the department has to do it.

Mr. SMOOT. Yes; of course, there is no doubt as to that.

Mr. OVERMAN. But I do not think that Congress has taken any such action. I can not understand why there should be deficiency estimates for \$500,000,000. We have made the appropriations according to the estimates, and where do the deficiencies come from? We gave the departments every cent they asked for.

Mr. SMOOT. No; I will say to the Senator we did not do that.

Mr. OVERMAN. We tried, however, to do what was necessary.

Mr. SMOOT. We gave them every dollar that we thought they ought to have, but we did not give them every dollar for which they asked.

Mr. McKELLAR. The Senator is aware, I presume, that under the construction of the law in matters such as subsistence for the Army the department is allowed to incur deficiencies?

Mr. SMOOT. In emergency matters.

Mr. McKELLAR. In emergency matters.

Mr. SMOOT. Yes; but now they have construed an emergency matter to mean the payment of employees in an ordinary bureau or division of the Government.

Mr. McKELLAR. We are at fault in not making the law perfectly plain, so that deficiencies may not be allowed under such circumstances.

Mr. SMOOT. There is nothing left of the law. With the construction that has been placed upon it, we might just as well repeal it as to have it on the statute books.

Mr. KING. Mr. President, we have discussed upon a number of occasions the provision of the statute to which the Senator from Tennessee and the senior Senator from Utah have re-

ferred, and to what extent it would be applicable as a criminal statute to punish employees of the Government who expend amounts in excess of appropriations made by Congress. I think the statement made by the senior Senator from Utah has been the one accepted generally by the Senate, and his interpretation of the statute has been the one usually accepted, namely, that the act referred to is a penal statute and its provisions are applicable to those officials of the Government who make expenditures in excess of the appropriations made by Congress. Threats have been made from time to time by members of the Appropriations Committee and by other Senators that they would invoke this penal statute if further deficiencies were incurred by the various departments. It seems to me that the Appropriations Committee ought to call the attention of the Attorney General of the United States to the various departments and officials who have incurred obligations not authorized by Congress, with a view to their prosecution. The only way to prevent these enormous deficiencies is to refuse to appropriate to meet them, or send to the penitentiary a number of officials who violate the law. If there were a few prosecutions, I feel sure that this inexcusable practice would cease.

Our Republican friends, now in charge of the Government, attempted in the last appropriation bills to enforce economy in some of the departments. The Appropriations Committee, both the Republicans and the Democrats upon the committee, attempted economies, although they were too liberal in many appropriations which were made; but it now transpires that the Republican officials who were pledged to economy are expending money to the extent of hundreds of millions of dollars in excess of the appropriations made by Congress. I think their conduct is most reprehensible and calls for criminal action against some officials in some of the departments and bureaus. If the Appropriations Committee fails to take up this matter I shall offer a resolution within a few days asking that the matter be referred to the Attorney General for such action as the facts warrant.

There must be some plan adopted to prevent the Government from being committed by officials not authorized so to do to the payment of hundreds of millions of dollars. These obligations are incurred, and then the departments complacently send in their bills and demand that Congress legalize their illegal acts.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the junior Senator from Utah yield to his colleague?

Mr. KING. I yield.

Mr. SMOOT. I will say to my colleague that as to certain appropriations which were made to carry on the Government until June 30 of this year, before six months had elapsed the entire amount had been expended and the departments were running on deficiencies. That was also true last year. This is not the first time that such a thing has happened. Of course, my colleague knows that has been almost the usual rule.

Mr. McCORMICK. Mr. President, let me invite the attention of the twin guardians of the Treasury from the State of Utah to section 216 of the budget bill.

Mr. KING. If the Senator from Illinois intends to indulge in his usual attempts at humor, I decline to yield. There may be a time and place for the humor of the Senator from Illinois. However, if he intends his remarks as a compliment—

Mr. McCORMICK. He did.

Mr. KING. I will say that I wish the Senator from Illinois would practice a little economy and vote with the senior Senator from Utah as well as with other Senators from time to time who favor economy, and are endeavoring to lift the burden of taxation that now oppresses the people.

I wish to say to the Senator from Illinois, since he has raised this question, that unless he and his party practice economy, the electorate will send to the other body, if not to this, men who will carry out economies and reduce the burdens of taxation which are now pressing upon the people. It seems to me that the Senator does not take cognizance of present conditions in the United States. He does not seem to be much concerned about how the money is to be raised to meet the deficiencies that it is evident will be created by the present Republican administration.

In every part of the land business depression exists; bankruptcy threatens thousands of business enterprises. It is a serious question where the revenue is to come from to meet the proper and legitimate expenses of the Government, to say nothing of the illegitimate and extravagant demands that are daily being presented for consideration.

Mr. President, I voted for the budget bill at the last session of Congress; I shall vote for the pending budget bill. I state now, as I stated then, that I do not look for any great reform

to eventuate from the bill. We may have all the budget bills the wit of man can devise, but under our theory of government and under the course of legislation which we have adopted we can not restrain extravagant appropriations until the American people and their representatives here earnestly desire economy and efficiency in the administration of the affairs of the Government. We can not have economy so long as the American people demand that Congress shall undertake the duties of individuals and assume the responsibilities of the States. We can not have economy in the Federal Government so long as the people believe that the Federal Government is the guardian of their lives and the author of their fortunes and misfortunes, and by the creation of boards and departments and bureaus and commissions must take control of the business and lives and activities of the people. When the Government is run as a Government and when the principles of the Constitution are applied in the affairs of the General Government then will be reforms and economies. This bill may accomplish some slight reform, but I predict for it, Mr. President, a substantial failure, and I predict that the advocates of the measure will be profoundly disappointed in its operations and in the results which will flow from it.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 15 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 27, 1921, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 26 (legislative day of April 25), 1921.

ASSISTANT TO THE ATTORNEY GENERAL.

Guy D. Goff.

DISTRICT ATTORNEY.

John Foster Symes, district of Colorado.

COLLECTOR OF INTERNAL REVENUE.

John C. Noel, district of Virginia.

PROMOTIONS IN THE ARMY.

GENERAL OFFICERS.

To be major generals.

Clarence Ransom Edwards.	William Mason Wright.
James William McAndrew.	George Windle Read.
John Leonard Hines.	Charles Henry Muir.
Henry Tureman Allen.	Charles Thomas Menoher.
David Cary Shanks.	William George Haan.
Adelbert Cronkhite.	George Bell, jr.

To be brigadier generals.

Grote Hutcheson.	Mark Leslie Hersey.
Jesse McIlvaine Carter.	Eli Alva Helmick.
Walter Henry Gordon.	Robert Lee Howze.
George Brand Duncan.	William Lassiter.
William Weigel.	Fred Winchester Sladen.
Ernest Hinds.	Harry Hill Bandholtz.
Ulysses Grant McAlexander.	Hanson Edward Ely.

ADJUTANT GENERAL'S DEPARTMENT.

To be assistant to The Adjutant General.

James Taggart Kerr.

INSPECTOR GENERAL'S DEPARTMENT.

To be Inspector General.

John Loomis Chamberlain.

FINANCE DEPARTMENT.

To be Chief of Finance.

Herbert Mayhew Lord.

ORDNANCE DEPARTMENT.

To be assistants to the Chief of Ordnance.

William Sullivan Peirce.
George Washington Burr.

To be major.

Reiff Hesser Hannum.

To be captains.

Herman French Safford. Peter Kenrick Kelly.
Thomas Hay Nixon. Walter Earl Ditmars.
Hiram Baldwin Ely. Frank Jarvis Atwood.

To be first lieutenants.

John Joseph Breen.
John Wesley Orcutt.
Kenneth Willey Leslie.

CORPS OF ENGINEERS.

To be assistant to the Chief of Engineers.

Harry Taylor.

To be major.

Robert Crayton Williams.

To be first lieutenant.

Marcus Prevost Taylor.

QUARTERMASTER CORPS.

To be assistants to the Quartermaster General.

John Miller Carson.

George Faber Downey.

To be major.

Augustus Vigilant Noble.

To be first lieutenants.

William Eldridge Moore.
Deane Childs Howard, jr.

CHEMICAL WARFARE SERVICE.

To be Chief of Chemical Warfare Service.

Amos Alfred Fries.

To be lieutenant colonel.

Claude Ernest Brigham.

To be captain.

Geoffrey Marshall.

To be first lieutenant.

Frank Buffum Gorin.

SIGNAL CORPS.

To be Chief Signal Officer.

George Owen Squier.

To be major.

William Neill Hughes, jr.
Donald Bridgman Sanger.

To be captains.

Louis Cansler.
William Henry Egle Holmes.

To be first lieutenant.

Winant Pullis Johnston.

AIR SERVICE.

To be Chief of Air Service.

Charles Thomas Menoher.

To be Assistant to the Chief of Air Service.

William Mitchell.

To be major.

Leo Gerald Heffernan.

To be captains.

Harry Batten Flounders.
Gerald Evans Brower.

To be first lieutenant.

Julian Buckner Haddon.

FIELD ARTILLERY.

To be Chief of Field Artillery.

William Josiah Snow.

To be lieutenant colonels.

George Parker Tyner.
Clifton Ranney Norton.

To be majors.

John Burhyte Wilmot Corey.
Herbert Spencer Struble.

To be first lieutenant.

John Michael Johnson.

COAST ARTILLERY CORPS.

To be captain.

Milton Helifron.

To be first lieutenants.

Harold Patrick Hennessy.
Paul Wallace Cole.

MEDICAL CORPS.

To be captains.

Edward Cleveland Hagler.	William James Carroll.
Harry Gardner Johnson.	Robert Lee Peyton.
John Murray Welch.	John Wilson Somerville.
John Adams Logan.	Charles Henry Manlove, jr.
Clarence Ulm Snider.	Carl Benjamin De Forest.
John Bunting Haines.	Samuel Demetrius Avery.
Philip Lewis Cook.	William Robert Lewis Reinhardt.
George Edward Lindow.	Francis Joseph Clune.
James Malone Bryant.	
Martin Fred DuFrenne.	

To be first lieutenant.

Royal Rohan Baronides.

VETERINARY CORPS.

To be lieutenant colonel.

Eugene John Cramer.

To be first lieutenants.

William Orville Hughes.	Charles Bailey Skinner.
Harry Edward Van Tuyl.	Herbert Kelly Moore.

CHAPLAINS.

To be majors.

Archie Wright Barry.	Robert Louis Moseley.
George Cornelius Charlton.	George Horton Steel.
Charles Harrison Corlett.	Harry Franklin Wilson.
William Korst.	

To be first lieutenant.

Earle Mauritius Stigers.

CAVALRY.

To be Chief of Cavalry.

William Ames Holbrook.

INFANTRY.

To be Chief of Infantry.

Charles Stewart Farnsworth.

REGULAR ARMY.

To be majors.

Horace Hayes Fuller.	George Cornelius Charlton.
Frank Cadle Mahin.	Charles Harrison Corlett.
Karl Chris Greenwald.	William Korst.
Adrian Kenneth Polhemus.	Robert Louis Moseley.
Harry Oliver Davis.	George Horton Steel.
John Easter Harris.	Harry Franklin Wilson.
Pearson Menoher.	Joseph Caldwell Morrow, jr.
Archie Wright Barry.	Frank Blair Kobes.

To be captains.

Edwin Todd Wheatley.	Ralph Andrew Eiler.
George Richard Thompson.	Henry Winter Borntraeger.
John Winthrop Mott.	Edwin Rudolph Petzing.
Jess Garnett Boykin.	Richard Carvel Mallonce.
John Charles MacDonald.	Theodore Ernest Voigt.
Harvey Shelton.	David Balhassie Simpson.
Hugh Bryan Hester.	Douglas Johnston.
James Mahon Roamer.	Lawrence Pradere Hickey.
Maylon Edward Scott.	Severn Teackle Wallis, jr.
Lewis Burnham Rock.	Charles Murray Rees.
Charles Moorman Hurt.	William May.
James Dallace Bender.	Samuel Tankersley Williams.
Louis Howard Thompson.	Chester Wright Gates.
Ellis Bates.	Harold Herbert Fisher.
George Pryor Johnson.	Silas Warren Robertson.
Clyde Virginus Finter.	Donald Van Niman Bonnett.
Michael Condon Shea.	William Henry Johnson.
Paul Dillard Carter.	Ernest Andrew Reynolds.
Charles John Wynne.	Roy William Hern.
Paul Henry Weiland.	
Marvin Wade Marsh.	

Holland Spencer Cham-
ness.
Julian Horace George.
William Camillus Kabrich.
Frank Upton Greer.
Walter Cortland Wagner.
Laurin Lyman Williams.
Anderson Hassell Norton.
Henry Christopher Harri-
son.
Hanford Nichols Lock-
wood, jr.
John Markham Ferguson.
Joseph Saunders Johnson,
jr.
John Calvin Sandlin.
Clarence Eugene Brand.
Leslie Eugene Bowman.
Alonzo Patrick Fox.
Hugh Joseph Gaffey.
Horace Benjamin Smith.
Joseph Addison Dubois.
Barlow Winston.
Maurice Rose.
Florain Dennis Giles.
Robert Matthews Burr.
Chester Morse Willingham.
Gene Russell Mauger.
Frank L. Burns.
Harold Edwards Stow.
William Burl Johnson.
Wilfred Hill Steward.
Merl Louis Broderick.
Winfield Rose McKay.
Lester Austin Webb.
Samuel Lewis Buracker.
Arthur Edwin Burnap.
James Bernays Lowery.
James Harrison Donahue.
David Almadus Bissett.
Thomas Patrick Walsh.
Warren Benedict Scanlon.
William Robert Hamby.
Buckner Miller Creel.
Henry Maris Black.
Wallace Francis Safford.
Willard David Murphy.
Joshua Ashley Stansell.
John Marcus Erwin.
Raymond Eccleston Ser-
veira Williamson.
David Charles George
Schlenker.
John Richard Wilmot
Diehl.
Rudolph Daniel Dele-
hanty.
William Henry Whiting
Reinburg.
Elmer Hugo Almquist.
Frank Leslie Carr.
Frank Edmund Bertholet.
Marion Carson.
Wilson Gunning Bingham.
Charles Cope Bartley.
Rossiter Hunt Garity.
Frank Charles Jedlicka.
Robert MacDonald Graham.
Leo Buffington Conner.
Arthur Burnola Custis.
Rudolph Francis White-
legg.
Loyd Van Horne Durfee.
Desmond O'Keefe.
Hal Marney Rose.
Frederick John Durr-
schmidt.
John Ter Bush Bissell.
Milton Wickers Davis.
John Bellinger Bellinger,
jr.
Charles Aloysius Mahoney.
George Senseny Eyster.
Henry Richard Anderson.

Shiras Alexander Blair.
Anton Zeman.
Charles Stalsburg.
Woodbury Freeman Pride.
John Wesley Orcutt.
Vance Whiting Batchelor.
John Archie King.
Wiley Hubbard O'Mohun-
dro.
William Oliver Reeder.
William Robert Gerhardt.
Theodore Earl Buechler.
Herman Uth Wagner.
Frederick Edwin Tibbetts,
jr.
Samuel Durand Ringsdorf.
Redmond Francis Kernan,
jr.
Philip Stevens Day.
Theodore Leslie Futch.
Russell Luff Meredith.
William Innes Wilson.
Harold Allum Cooney.
Henry Anson Barber, jr.
Miles Andrew Cowles.
Lawrence McEney Jones.
Gordon Graham Heiner, jr.
George Walter Hirsch.
Forest Clifford Shaffer.
William Riley Deeble, jr.
Frank Fenton Reed.
John Will Coffey.
Grayson Cooper Woodbury.
Robert Alston Willard.
Clyde Hobart Morgan.
Robert Wilson Hasbrouck.
Howard Patterson Faust.
John Taylor deCamp.
Wallace Duncan Collins.
Sargent Prentiss Huff.
William Henry Donaldson,
jr.
Duncan Gregor McGregor.
Thomas Jackson Heavey.
William Edward Whitting-
ton.
Harold Lewis Milan.
Ivan Sanders Curtis.
Aln Dudley Warnock.
Eugene Nelson Slappey.
Harwood Christian Bow-
man.
Laurence Henry Hanley.
Rosenham Beam.
Harry McCorry Henderson.
Robert Van Kleeck Har-
ris, jr.
Pleas Blair Rogers.
Richard Grant Hunter.
Hubert Vincent Hopkins.
Wade Woodson Rhein.
Benton Gribble Shoemaker.
Ben Allen Mason.
Harry Herman Young.
Keith Bolling Wise.
Frank Curtis Mellon.
Donald Wilson.
Robert T. Hayes.
Claud Greene Hammond.
James Patrick Moore.
Albert Eugene Andrews.
Dorris Aby Hanes.
John Wesley Rodman.
Frank Austin Heywood.
John Jacob Bethurum.
William Henry Halstead.
Randolph Gordon.
Henry Passant Lewis.
Glenn Adelbert Ross.
Philip Coleman Clayton.
Ellis Bashore.
Joseph Leonard Tupper.
George Thurman Fleet.
Clyde Alexander Fowler.

William McCaskey Chap-
man.
Norman McNeill.
Glen Henry Anderson.
Bryant Edward Moore.
Leo Vincent Warner.
Howard Alston Deas.
Henry William Bobrink.
Onslow Sherburne Rolfe.
Henry Perkins Gantt.
Jesse Brooke Matlack.
Parry Weaver Lewis.
Edward Wrenne Timber-
lake.
William Wallace Jenna.
William Richard Fleming.
Francis Porter Simpson.
Harry Cooper Barnes, jr.
Robert John Hoffman.
Clare Wallace Woodward.
John Stevenson Mallory.
Frederick Dent Sharp.
William Sydney Barrett.
Paul Ryan Goode.
Harry Niles Rising.
Henry Cornelius Demuth.
Lowell Meeker Riley.
George Draper Watts.
Emil Krause.
Robert Lynn Bacon.
Walter Gibson White.
Edwin Jacob House.
Arthur Charles Purvis.
James Jackson Hea.
Edgar Bruce Moomau.
Carlisle Brittainia Wilson.

To be first lieutenants.

Paul Edmund Burrows.
George Harold Brown.
Elmer Daniel Perrin.
Wallace Robinson Fletcher.
Dale Vincent Gaffney.
Thomas Kennedy Matthews.
Kenneth Bonner Wolfe.
Richard Hartnett Magee.
Charles Simpson Carroll.
Henry Harold Rely.
Samuel DeWitt Tallmadge.
Donald Dakin Lamson.
Augustus Dawson Sanders.
William James Wagen-
knight, jr.
Cola Edgar Stone.
Mitchell Franklin Orr.
Edward Milan Taylor.
Dayton Dudley Watson.
Herschel David Baker.
Herbert Edward Baker.
Donald David Fitzgerald.
Ulmont Ogden Cumming.
Thomas Standifer Gunby.
Andrew Paul Sullivan.
Austin Walrath Martenstein.
Richard Francis Stone.
Kameil Maertens.

PHILIPPINE SCOUTS.

To be majors.

Esteban Boadilla Dalao.
Thomas Kenneth Collins.
Conrad Skladal.
Wellborn Dent.
Vicente Lim.

To be captains.

David Bernard Doty, jr.
James Donison Carter.
Fidel Segundo y Ventura.
Salvador Formoso Reyes.
Louis Rada Salvosa.

To be first lieutenants.

Mariano S. Sulit.
Fermion Arthur Shults.

APPOINTMENTS IN THE OFFICERS' RESERVE CORPS.

Hugh S. Johnson.
Charles Gates Dawes.

Robert Edward Wysor, jr.
Lewis Allison Hudgins.
William Jennings Davis.
Leonard Harrison Frasier.
Lawrence Lee Simpson.
Thomas Boroughs Richard-
son.
Samuel Wilber Stephens.
Richard Cohron Lowry.
Albert Edgar Billing.
Frederick Hahn.
Robert Oney Wright.
Howard Winthrop Turner.
Antonio Vazquez-Bruno.
Nels Erick Stadig.
Louis Cansler.
Ashley Spencer LeGette.
Ernest Esser.
Ruthford Loren Herr.
William Connor Samford.
Floyd William Ferree.
Modesto Enrique Rodriguez.
Jerry Vrchlicky Matejka.
Ira Clarence Eaker.
Marcus Aurelius Smith
Ming.
William Agnew Howland.
Peter Hanses.
George Edward Huthstener.
John Adams Hettlinger.
Oscar Nelson Schjerven.
Paul Joseph Matte.
John Adams Ballard.
Chester David Hilton.
Benjamin Mills Crenshaw.
Robert Wilbar Wilson.

Stanley Powloski.

Harry Lincoln Calvin.
William Tillmon Agee.
Fraser Richardson.
Clifford Irving Hunn.
Chester Howard Elmes.
John Vernon Hart.
Lewis Dabney Hixson.
Tonnes Dennison.
Louie Clifford Mallory.
Hans Christian Jespersen.
Engmann August Andersen.
Benjamin Harrison
Graban.
Ernest Emery Harmon.
Dean Bryan Belt.
Christian Stephen Ander-
sen.
Gerald Bradford Devore.
Albert Francis Hegen-
berger.
Harold Farnsworth Hub-
bell.
Laurens Claude.
John Robert Culleton.
Morrison Page Chitter-
ling.
George Honnen.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 26, 1921.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, consider and hear us that we may do our work with courage, endure its hardships with patience, and achieve its successes with humility. Be merciful unto us and teach us that we may apply our hearts unto wisdom. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ARMY APPROPRIATION BILL.

Mr. ANTHONY. Mr. Speaker, by direction of the Committee on Appropriations I report the bill (H. R. 5010) making appropriations for the Army for the next fiscal year.

The SPEAKER. The gentleman from Kansas reports the bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 5010) making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes.

The SPEAKER. Referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Tennessee reserves all points of order on the bill.

NAVAL APPROPRIATION BILL.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4803, the naval appropriation bill, with Mr. WALSH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 4803) making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PAY, MISCELLANEOUS.

For commissions and interest; transportation of funds; exchange; mileage to officers of the Navy and Naval Reserve Force while traveling under orders in the United States, and for actual personal expenses of officers of the Navy and Naval Reserve Force while traveling abroad under orders, and for traveling expenses of civilian employees; for actual traveling expenses of female nurses; actual expenses of officers while on shore patrol duty; hire of launches or other small boats in Asiatic waters; for rent of buildings and offices not in navy yards; expenses of courts-martial, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks, and witnesses' fees, and traveling expenses and costs; expenses of naval defense districts; stationery and recording; religious books; newspapers and periodicals for the naval service; all advertising for the Navy Department and its bureaus (except advertising for recruits for the Bureau of Navigation); copying; ferrage; tolls; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; recovery of valuables from shipwrecks; quarantine expenses; reports; professional investigation; cost of special instruction at home and abroad, including maintenance of students and attaches; information from abroad and at home, and the collection and classification thereof; all charges pertaining to the Navy Department and its bureaus for ice for the cooling of drinking water on shore (except at naval hospitals), and not to exceed \$250,000 for telephone rentals and tolls, telegrams and cablegrams; postage, foreign and domestic, and post-office box rentals; and other necessary and incidental expenses: *Provided*, That no part of this appropriation shall be available for the expense of any naval district unless the commandant thereof shall be also the commandant of a navy yard, naval training station, or naval operating base: *Provided further*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, inspection, and messenger service in navy yards and naval stations, for the fiscal year ending June 30, 1922, shall not exceed \$750,000, and for necessary expenses for the interned persons and prisoners of war under the jurisdiction of the Navy Department, including funeral expenses for such interned persons or prisoners of war as may die while under such jurisdiction, and for payment of claims for damages under the naval act approved July 11, 1919; in all, \$3,500,000.

Mr. NOLAN. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from California will state his point of order.

Mr. NOLAN. I make a point of order against that part of the paragraph beginning on page 3, line 12, after the word "expenses," down to and including the words "operating base," in line 16 on page 3. I make the point of order, Mr.

Chairman, on the ground that it is legislation on an appropriation bill and does not come within the limitation and does not on its face restrict expenditures.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. KELLEY of Michigan. Mr. Chairman, it is in my judgment a mere limitation upon the expenditure of the fund. It provides that no part of this appropriation shall be available for the expense of any naval district unless the commandant thereof shall be also the commandant of a navy yard, naval training station, or naval operating base located within that district. It is a limitation upon the use or expenditure of the fund which is permitted under the rule. I will say, further, Mr. Chairman, that there is no law governing this matter of naval districts. The naval districts are created by regulation of the department, so that the limitation changes no existing law.

Mr. ELSTON. Will the gentleman yield for a moment? Does the existing law, however, permit a discretion in the Secretary of the Navy to make the appointment of commandants of naval districts without restriction?

Mr. KELLEY of Michigan. Well, undoubtedly it does, because we have done that.

Mr. ELSTON. So there is provision of law for the Secretary of the Navy to make appointment of the commandant of a naval district?

Mr. KELLEY of Michigan. Well, naval districts are created by regulation. The general law provides that the Secretary of the Navy shall make the necessary rules and regulations for the control of the Navy, but it does not specifically authorize the establishment of these districts. Now, this limitation which we have put on here provides that the money which we appropriate shall not be expended in a certain direction, which is a well-known authority under the general rules limiting the expenditure of appropriation where we do not specifically change existing law.

Mr. ELSTON. Mr. Chairman, this clause does change the existing law to the extent of limiting the discretion vested in the Secretary of the Navy, which is more inclusive than it would be if this clause were not passed. The Secretary of the Navy has unlimited discretion to make appointments of the commandants of naval districts. The effect of this clause is to direct him to make appointment of an officer having particular qualifications. In other words, it is more than a negative clause; it is a positive clause stating how he shall make the appointment. There are any number of precedents to the effect that a limitation of that kind is not in order. You can make a limitation cutting off under certain contingencies a whole appropriation, but you can not make a limitation in such a way that the whole appropriation may be available for use in a specific manner. Now, that is the effect of this clause. In other words, it directs the Secretary of the Navy to make his appointment of the commandant of a naval district from a selected list, which shall include those naval officers who are also commandants of a naval district.

Mr. KELLEY of Michigan. Mr. Chairman, the lines referred to do not direct any officer of the Government as to making appointments or who shall be appointed. It simply says that the money appropriated in this bill shall not be used for a certain purpose, unless it is expended in harmony with the directions contained in those lines.

The CHAIRMAN. Will the gentleman from Michigan permit an inquiry?

Mr. KELLEY of Michigan. Yes.

The CHAIRMAN. Does not the proviso requiring that commandants of navy yards and naval training stations or naval operating bases must perform additional duties when they are placed in charge of naval districts?

Mr. KELLEY of Michigan. No; this simply goes to the point of directing the Secretary of the Navy not to spend any money on naval districts unless the commandant of the naval district is the commandant of the chief yard of that district. Now, that does not direct the continuation of these districts at all, but if they are continued no money appropriated in this bill shall be expended for their support except as directed in this provision.

Mr. ELSTON. Suppose that this clause related, we will say, to an appropriation for the park service, and there should be a clause inserted to the effect that no part of the appropriation should be used to pay the salary of a director of parks unless at the same time he should be the chief of the Forest Service? That would be a direction to the appointing officer that he shall not have discretion to make his appointment except he follows the direction of Congress and merges two positions into one. This clause directs the Secretary of the Navy, in effect, to make his appointment not out of the general list containing properly

qualified persons but to make that appointment from a particular selected list without respect to ideal qualifications.

Mr. KELLEY of Michigan. Suppose under the form of a limitation it should be provided that no money appropriated or carried in this bill should be used for the expenses of these naval districts at all?

Mr. ELSTON. That would be different.

Mr. GREENE of Vermont. It would be perfectly competent for the House to do that and to bring in a bill to do it under the present rule.

Mr. KELLEY of Michigan. As a matter of limitation, under the rule, the lines would be in order if they provided that no money in this bill should be used for the support of naval districts at all. We do not go to that extent, but simply say that no money shall be used for the support of these districts where an independent office is maintained. It does not show on its face that it will result in a reduction in expenditures, and therefore I am not justifying it on that ground; yet, as a matter of fact, the purpose of this is to effect economy.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. WOOD of Indiana. Mr. Chairman, in answer to the suggestion made by the Chair a moment ago, whether or not this imposed additional duties on the commandant, even if that were correct it would still be in order and within the rule. In substantiation of this position, I want to call the Chair's attention to the case where the governor of the Five Civilized Tribes of Indians was abolished and where a new office was created, and the duties of the former were added to the new duties conferred upon the latter. And I call attention to page 825 of the Rules of the House of Representatives, where a point of order was raised. The gentleman from Illinois [Mr. MANN] made a point of order against the following proviso, which reads:

That the offices of the Commissioner of the Five Civilized Tribes and superintendent of Union Agency, in Oklahoma, be, and the same are hereby, abolished and in lieu thereof there be appointed by the President, by and with the advice and consent of the Senate, a superintendent for the Five Civilized Tribes, with his office located in the State of Oklahoma, at a salary of \$5,000 per annum.

The Chairman said:

It is contended that this proviso is in order under that portion of the second clause of the Holman rule, which reads as follows:

"Nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill."

The first question, of course, for the decision of the Chair is whether or not the proviso in the bill against which the point of order is made is germane to the subject matter of the bill. This section of the bill provides for expenses of the Five Civilized Tribes in Oklahoma and the compensation of employees. The proviso seeks to abolish the offices of commissioner and superintendent of Union Agency in Oklahoma, which are vested in part, if not in whole, with the administration of the affairs of the Five Civilized Tribes, and clearly, in the opinion of the Chair, the proviso is germane to the subject matter of the bill.

This clearly discloses that it comes within the exception, for the Chair will take judicial knowledge of the fact that this commandant would assume the duties of this entire district, and it will retrench the expenses incident to the employment of additional men to perform the duty that is made incumbent by this proviso upon the commandant.

The Chair said:

The gentleman from Illinois [Mr. MANN] makes the point of order that there is nothing in the proviso to show that the new office created is to perform the duties performed by the two offices which the proviso seeks to abolish. The Chair thinks the language in the proviso to the effect that these two offices are to be abolished and, quoting from the proviso, "and in lieu thereof there be appointed by the President, by and with the advice and consent of the Senate, a superintendent of the Five Civilized Tribes," clearly shows that the new office is to perform the duties which have been heretofore performed by the two offices which this proviso seeks to abolish, and the Chair therefore overrules the point of order.

Clearly that is on all fours with this proposition. Even if it does confer new duties on this commandant, it results in the retrenchment of expenditures by the reduction of the force necessary to perform the duties of this district in the event that the proviso in question is adopted.

Mr. NOLAN. Mr. Chairman, I would like to call the attention of the Chair to a specific case, the twelfth naval district. If this proviso is adopted it will add additional duties to the work of the commandant of the naval base, navy yard, or naval training station. At the present time their duties are in connection with their particular naval base, naval training station, or navy yard over which they preside. If this proviso goes into effect, it adds to their duties a tremendous responsibility, the supervision of the entire northern section of California and all of the northern coast, taking into consideration a number of naval activities, and transfers to the commandant of one of

our yards jurisdiction over all of this territory, and gives him authority over matter that is entirely foreign to his position as commandant of a particular institution. If the Committee on Naval Affairs is desirous of changing the law, they ought to bring in specific legislation, and not have this coming in here continuously on appropriation bills. My point of order is that it is not a limitation under the rules of the House.

Mr. MADDEN. Will the gentleman yield?

Mr. NOLAN. I yield.

Mr. MADDEN. The gentleman admits if this limitation should become the law by its enactment into this bill it would place added responsibilities on the commandant of the navy yard?

Mr. NOLAN. And added duties.

Mr. MADDEN. And yet by inference he also admits that it would take away activities that are now performed by other individuals, and thereby reduce the cost of the operation of the district, does he not?

Mr. NOLAN. You could apply that same principle to every activity of the Government. You could merge the Army and the Navy together, and you could merge with them the Post Office Department.

Mr. MADDEN. Does the gentleman admit what I say?

Mr. NOLAN. It might have that effect.

Mr. MADDEN. Now, then, if the gentleman admits that he must also admit that the limitation is simply a limitation and not legislation. It simply seeks to regulate the conditions under which the money appropriated shall be expended.

Mr. NOLAN. It is legislating on an appropriation bill under the guise of a limitation.

Mr. MADDEN. I do not agree with the gentleman. I think it reduces expenses on its face, and is in order under the Holman rule.

Mr. HUSTED. Mr. Chairman, it is the well-settled practice of the House that a limitation may not affirmatively affect Executive discretion. This limitation certainly does not affirmatively affect Executive discretion. There is no direct, necessary compulsion upon anybody. It does affect Executive discretion, however, by imposing a negative upon the expenditure of the funds, and that is the only way in which it could affect Executive discretion. It provides that the funds can not be expended unless certain things are done. That, I contend, Mr. Chairman, is well within the rule. It is always in the nature of a limitation in some respect to affect existing law. That is the very purpose of a limitation.

Now, there are certain ways in which limitations can be made in bills, and one is that it can be done if it goes no further than the placing of a simple negative on the expenditure of the money, and that is all that is done by this limitation.

Mr. MONDELL. Mr. Chairman, if the Chair will allow me just a moment, in answer to the contention of the gentleman from California [Mr. NOLAN], to the effect that the limitation, if approved, would add to the duties of certain officers, that is undoubtedly true. But that is not an argument against the limitation. The duties of commandants of naval stations are not fixed and limited by law. They are matters of regulation, matters of the development of the business of building and maintaining the Navy under differing conditions. It is no argument against the limitation to say that one effect of the limitation would be that some official's duties would be somewhat increased or decreased. The question is, Is there a limitation on the expenditure under the rule? This is clearly such a limitation, a limitation which affects in a slight degree the discretion of an executive officer, but in a negative way, which is clearly authorized under the rule, as evidenced by quite a number of decisions.

Mr. ELSTON. Mr. Chairman, it has been held that a limitation may be put on an appropriation bill which affects qualifications, but this does more than touch qualifications. It also requires, in order that the appropriation may be used, a merger of executive offices, two into one. Now, if that in principle can be done as to two executive offices or bureaus in one department it may be applied to separate departments and a merger thus effected under the guise of a limitation. That can not be done in an appropriation bill.

Mr. MONDELL. Mr. Chairman, the gentleman's argument might be sound if this were an effort to merge two legislative offices.

Mr. ELSTON. It has that effect.

Mr. MONDELL. But it is not. The office of chief or commandant of a naval division is not a legislative office. It is an office or a function created by naval orders, and it would be quite within the discretion of the Secretary to do exactly what the limitation would require him to do, so that it comes clearly within the rule.

The CHAIRMAN. The gentleman from California [Mr. NOLAN] makes the point of order on the proviso on page 3, reading as follows:

Provided, That no part of this appropriation shall be available for the expense of any naval district unless the commandant thereof shall be also the commandant of a navy yard, naval training station, or naval operating base.

He submits that that language is legislation upon an appropriation bill, and therefore in violation of the rule of the House inhibiting that.

The language seeks to limit the appropriation contained in the paragraph for the expenses of naval districts, and provides a negative prohibition against the use of money for naval districts in that the money shall not be available unless the commandant of the district shall also be the commandant of a navy yard, naval training station, or naval operating base.

It is well settled by precedent that a limitation upon an appropriation must be in effect a negative prohibition on the use of the money, and not an affirmative direction to the executive officer. It seems to the Chair that the language contained in this proviso is a negative prohibition against the use of this appropriation, in that it is not to be available unless the commandant of the district in which the money is to be expended is also the commandant of a navy yard, naval training station, or naval operating base, and that it is not an affirmative direction to the officer, and, because the matter of naval districts is a matter of naval regulation and not of specific statute it is not a change of existing law, although in apparent conflict with a matter covered by regulations of the Navy. The Chair, therefore, overrules the point of order.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that the Clerk may correct the spelling of the word "jurisdiction" on page 3, line 22.

The CHAIRMAN. Without objection, the Clerk will correct the spelling of the word "jurisdiction" on page 3, line 22.

There was no objection.

The CHAIRMAN. The Clerk will read.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 3, line 1, strike out the word "diplomas," and in lines 3 and 4 strike out the words "cost of instruction," and in lines 4 and 5 strike out the words "maintenance of students."

Mr. BLANTON. Mr. Chairman, if my colleagues will permit, I would like to use a quarter of a minute in calling attention to an enterprise of the Rainbow Division here in Washington. One of the officers of the veterans, District of Columbia Chapter of the Rainbow Division, Mr. Mulford, has asked me to bring to your attention the fact that the Rainbow Division is now carrying on an exposition here to-day, and continuing until May 7, down on the Union Station Plaza, and that the objects of that exposition are approved in a letter from President Harding and also in a communication from Vice President Coolidge.

Now, Mr. Chairman, addressing myself to the amendment, I want to read to the Committee of the Whole the following, from the speech of the gentleman from Alabama [Mr. OLIVER] yesterday concerning diplomas and the cost of instruction and the maintenance of students, which words I have moved pro forma to strike from the bill.

On page 576 I read the following from Mr. OLIVER's speech:

Mr. OLIVER. Now, there is another matter that may be of interest to the House, and one which the Committee on Appropriations has no power to correct, but I am glad the chairman of the legislative Committee on Naval Affairs is present, so that he may take such action as he deems advisable with reference to the matter. Doubtless the Secretary of the Navy himself may correct it without legislation. It was developed before the naval subcommittee that yielding to the insistence of naval officers the 1922 class at Annapolis had been ordered graduated in December, 1921, and there is a rumor afloat that the 1923 class may be graduated in June, 1922. Every member of the subcommittee on appropriations, and I think members of the House legislative committee, are of the opinion that this course is unwise. The authorities at Annapolis—the high naval officers there—have disapproved it and feel that it will be hurtful to the service and harmful to the young naval officers.

Mr. BUTLER. Does the gentleman understand the reason for it?

Mr. OLIVER. The reason doubtless is the fear on the part of some officers, now holding high temporary commission, that they may not be able to maintain that rank after December next, unless there is an inflow from the bottom. Is that the gentleman's belief as to the reason?

Mr. BUTLER. Yes.

Mr. Chairman, the people of this country, whose money is spent to the amount of nearly \$400,000,000 in this bill for the carrying on of our naval program, have believed that the instruction of students at the Naval Academy at Annapolis, that the cost of such instruction and the maintenance of such students at that institution, and the diplomas which are issued to them at the end of a certain course of study are in the interest

of the Navy of this country and not merely in the interest of the promotion of naval officers, as indicated by this colloquy between our distinguished friend from Alabama [Mr. OLIVER] and the distinguished gentleman who is chairman of the Naval Affairs legislative committee [Mr. BUTLER]. They admit—and no one knows better than they the purpose of it—that the graduation of the 1922 class is to be made in December, 1921, and that from what they can learn the 1923 class is to be graduated in 1922, if you please, six months in the first case and in the second a whole year before they should be graduated, merely to help the naval officers maintain their present rank and position, which but for this earlier graduation they could not maintain.

My friend from Alabama [Mr. OLIVER] indicated that the House now is powerless to remedy the situation. He indicated that possibly the chairman of the Naval Affairs legislative committee might possibly find some way to remedy this condition. That was the indication of the gentleman.

Mr. OLIVER. No; I stated that the Appropriations Committee was powerless under the rules to propose legislation.

Mr. BLANTON. Oh, yes.

Mr. OLIVER. Because I do not think the Committee on Appropriations has any legislative authority.

Mr. BLANTON. No.

Mr. OLIVER. And I stated that I was glad that the chairman of the legislative committee was present in order that he might take such steps as he thought advisable.

Mr. BLANTON. I think the gentleman is correct, but I do not agree with him that the Committee on Appropriations now is powerless.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. BLANTON. I do not agree with my friend that the appropriations subcommittee have not the authority now to stop it by placing a proper limitation on this appropriation, because the Appropriations Committee holds the purse strings; they furnish the money that carries on the institution. They furnish the money that pays the salaries of these naval officers who are seeking to graduate a year too early a number of naval students who are to become the naval officers of this land. They can say to that bunch, "If you do not carry out the program properly, if you do not give these students the proper four years' course of instruction, we are going to cut off your salaries," and they will stop it, and they will change their plans awfully quick.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Indiana.

Mr. SANDERS of Indiana. Will the gentleman point out how his amendment would correct these evils?

Mr. BLANTON. My present amendment is simply a pro forma one, made to give me the floor so that I could bring to the attention of these two gentlemen, in whom we have confidence, the fact that one humble Member from Texas believes they ought to take some kind of action now to let these naval officers understand that the Congress of the United States is not going to stand for any such monkey business, but that these students must be given the regular four years' course prescribed, that they are not going to be graduated six months or a whole year earlier just in order to help naval officers maintain their present rank and position.

I ask unanimous consent to withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw his pro forma amendment. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent to speak two minutes.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. BUTLER. Any parliamentary move that will give me the opportunity to explain to my friend. Yesterday in a conversation with my friend the gentleman from Alabama [Mr. OLIVER] it appears from the RECORD that I assented to what Mr. OLIVER had said, because I am reported to have said "Yes." Now, Mr. OLIVER and I always agree, therefore I may have assented, because I am accustomed to agreeing with the views of the gentleman from Alabama, but I rather regret that I did not have the opportunity to explain what was told me by the Chief of Navigation. I made some inquiries.

Mr. OLIVER. Will the gentleman permit me?

Mr. BUTLER. Yes.

Mr. OLIVER. I do not recall just exactly the gentleman's reply, and it may have been that we did not understand each other.

Mr. BUTLER. I may have assented, because I want to confess now that the gentleman from Alabama put into my head the reason why this graduation period may have been advanced. It was stated to me, however, that it is the purpose of the Bureau of Navigation to discharge from the active service officers on the reserve list, and in order that they may have officers to take the place of those on the reserve list they intend to advance the time of graduation.

Now, let me say to the gentleman from Texas [Mr. BLANTON] that I would not feel myself competent to prescribe the period of instruction at Annapolis. The act of Congress prescribed it and then it was modified. I do not know whether it should be three years or four. However, I believe in bringing these young graduates into the service as early as possible, whether the period be two years, three years, or four years. I do not wish to avoid my part of the responsibility of making the appropriation for the Naval Academy, to administer instruction to these young men, and as soon as they are fitted for duty as officers I would not ask to have them retained at the academy, but would rather see them brought into the service. But if that purpose is the one the gentleman from Alabama had in mind, I would deplore it.

Mr. OLIVER. The gentleman will recall that at the hearings before the House legislative committee the early part of this year there was strong insistence by the Navy Department that you permit temporary officers to remain another year. The gentleman from Pennsylvania at that hearing indicated he would not be friendly to that idea. After learning the attitude of the House Naval Committee on the subject this plan seems to have been thought of for the first time.

Mr. BUTLER. I think the gentleman's reasoning is good.

Mr. OLIVER. The gentleman is aware of the history of the matter and also knows that more than a year ago they discontinued the practice of graduating classes after a three-year course only. In fact, they never graduated under this act a whole class in advance, but always split the class. Now, long after the armistice has been signed they propose to graduate an entire class about seven months in advance and let them miss this year's cruise.

Mr. BUTLER. Yes; and it created a good deal of surprise.

Mr. OLIVER. Is not the gentleman further advised that if the temporary officers are not continued after December and an influx of young officers is not had from some source, there is strong likelihood that some officers holding temporary commissions will be dropped to a lower grade?

Mr. BUTLER. I think it would work that way. I will ask the gentleman from Michigan [Mr. KELLEY] to help me recall. I have it in mind that next December, unless, under the authority of some act of Congress, these war grades will have to cease, and I, without committing myself, will say that I will have to be changed around a good many times before I alter my present opinion.

Mr. HUSTED. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. HUSTED. Does the gentleman think the course at the Naval Academy could be advantageously reduced to three years?

Mr. BUTLER. I hope the gentleman will not press me for an answer. My present judgment is that Congress might properly fix the course at three years. However, I may not be right about that.

Mr. HUSTED. Has the matter been considered by the Navy Department?

Mr. BUTLER. It has not been considered by the Naval Affairs Committee, but I think it will be.

Mr. KELLEY of Michigan. Mr. Chairman, as far as the graduation of this class ahead of time is concerned, my own opinion is that it ought not to be done. The law fixes the regular course at Annapolis at four years, but because of a necessity for a larger number of officers during the war we authorized the Navy Department, in its discretion, to graduate the boys ahead of time. I have not the law at hand, but my recollection is that it expires by limitation fixed in the act on the 6th of October, 1921. Whether or not the Navy Department at this time could issue an order directing the 1922 class to graduate in January, 1922, with the authority for that kind of a thing repealed or inoperative after the 1st of October, is a legal proposition which is rather doubtful in my mind. But in any event the distinguished gentleman from Pennsylvania [Mr. BUTLER] will have ample time to thoroughly thrash the matter out and present to Congress any legislation made necessary, if legislation, in his judgment, is necessary to prevent the order

being carried into effect—if he and his committee think it ought not to be done.

Mr. BUTLER. Will the gentleman yield?

Mr. KELLEY of Michigan. I will.

Mr. BUTLER. The gentleman is a well-educated man and I will ask him this question: Does he think that the course at Annapolis could be completed in three years? We miss the previous help of the gentleman from Michigan and the gentleman from Alabama [Mr. OLIVER].

Mr. KELLEY of Michigan. I should be much opposed to reducing the course of these college boys to three years, especially in view of the fact that we send selective men from the academy to the School of Technology in Boston to there take thorough instruction to prepare them for their difficult engineering duties. Nevertheless, the whole matter is for my friend from Pennsylvania and his committee.

Mr. BUTLER. The gentleman from Michigan would not claim that I should do what he would not do himself.

Mr. OLIVER. The subcommittee was told that the superintendent of the academy opposed the graduation of this class in advance of the regular time.

Mr. KELLEY of Michigan. He said that from the standpoint of the student and the standpoint of the academy he did not think it should be done; and, considering the larger standpoint of the Navy as a whole, he did not presume to venture an opinion.

Mr. OLIVER. He also stated that other naval officers at the academy shared his opinion, did he not?

Mr. KELLEY of Michigan. I do not recollect that.

Mr. BEGG. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. BEGG. Is not the course at the Naval Academy—in mathematics especially—such that it would make it impossible for the average and below the average mental human being to accomplish?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. My own judgment is that when the Secretary of the Navy has had opportunity to review this matter a little more, possibly a different conclusion might be reached.

Mr. TOWNER. Mr. Chairman, I move to strike out the last two words. Manifestly, it would seem to me that a four years' course could not be properly abbreviated under any circumstances by cutting off the last year. Even if it were thought that the course in the Military Academy could be reduced from four years to three years, the reduction would have to be made by eliminations all along the line throughout each year. To cut off a four years' course at the end of three years would be certain to eliminate some of those things which would be absolutely essential for the proper preparation for the service intended. Unless there are extraordinary reasons more than those suggested, I think the House would feel it would be wrong, even a dangerous thing, to graduate a whole class one year ahead of time when they would be authorized to be graduated. Certainly the last year is as important in preparation for the service, as the schedule is made now, as any year. Some of those things that are essential, if anything is essential, would be considered in the last year's course. I agree with those gentlemen who have suggested it would be manifestly unwise for this House to allow this class to be graduated at the end of the third year unless there are extraordinary reasons, such as existed during the war and which do not now appear to exist, for so doing.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Aviation, Navy: For aviation, to be expended under the direction of the Secretary of the Navy, as follows: For aircraft and accessories in course of construction or manufacture on June 30, 1921, \$440,000; for navigational, photographic, and aerological equipment, including repairs thereto, for use with aircraft built or building on June 30, 1921, \$49,250; for maintenance, repair, and operation of aircraft factory, helium plant, air stations, fleet activities, testing laboratories, and for overhauling of planes, \$4,534,181; for continuing experiments and development work on all types of aircraft, \$1,615,000; for drafting, clerical, inspection, and messenger service for aircraft stations, \$275,000; in all, \$6,913,431: *Provided*, That no part of this appropriation shall be expended for maintenance of more than six heavier-than-air stations on the coasts of the continental United States: *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes.

Mr. KELLY of Pennsylvania. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Michigan a question regarding naval aviators who

now are a part of the Naval Reserve Force. I refer to the naval aviators being trained at the naval training stations.

Mr. KELLEY of Michigan. Some of them I think are still members of the Naval Reserve Force and others in the regular naval service.

Mr. KELLY of Pennsylvania. Eighty per cent of them are reserve officers, class 5, or temporary officers. Now, I am informed that the Navy Department plans to hold an examination in about two weeks, giving these flyers in the Reserve Force a chance to take an examination for the regular line.

Mr. KELLEY of Michigan. I think that is true.

Mr. KELLY of Pennsylvania. That examination is to be along lines of engineering, navigation, seamanship, and other things which these boys have never had an opportunity to study or to acquire as a matter of training. Whether they stay in the Navy or not is dependent upon the result of that examination. Does the gentleman believe that is a proper policy to pursue?

Mr. KELLEY of Michigan. I do not know what sort of an examination is to be given these boys. From the gentleman's bare statement that they are to be examined on subjects on which they have had no opportunity to prepare themselves, I would think there must be some question about it. Of course, that is very largely a matter of administration which I would not be willing offhand to pass an opinion on.

Mr. KELLY of Pennsylvania. I want to say that these officers have had invaluable experience in actual flying in the recent war. They have been, many of them, in service for four years and are thoroughly familiar with naval aviation. It has cost the Government \$40,000 each to prepare them for expert duty as aviators. On the 16th of May they are ordered to take an examination in seamanship, in navigation, in engineering, and other activities in which they have had no experience.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. KELLY of Pennsylvania. Yes.

Mr. KELLEY of Michigan. My understanding is that these young men, if they pass the examination, then enter the regular naval service. There is no aviation corps, as the gentleman knows, in the Navy; so that a young man coming in as an ensign or as a lieutenant, junior grade, or as a lieutenant, then becomes an officer in the Navy. It has been the policy as they are working it out to interchange men with aviation and the fleet, so that after the period of time during which the young man is adapted for aviation has gone by he will then be fitted to take up the regular work in other branches of the Navy. I do not think an aviation officer would be fitted for aviation more than for a few years. Flying seems to require young blood and young heads. Unless some very broad educational requirements are put into effect, the Navy might wake up to find that it has a large number of officers on hand which it could not use outside of aviation, who would be too old for aviation itself.

Mr. KELLY of Pennsylvania. The point I am making is that aviation itself is a specialized pursuit which requires the entire time of men engaged in it, and that aviation itself has a vast field of engineering, navigation, and so forth.

Mr. KELLEY of Michigan. There are those who have advocated an aviation corps, just like the Engineering Corps, but so far that has not met with the approval of the Naval Affairs Committee of the House, as I understand it.

Mr. KELLY of Pennsylvania. But to pursue the program and have these boys examined on the 16th day of May and then discharged from the Navy if they do not pass, and they can not pass, means a loss of millions of dollars put into their training by the United States Government. The Navy Department estimates it will take \$40,000 to prepare one of these young men. Further, it is proposed if a reserve aviator passes the examination to send him to sea, where he will get away from his training and specialized work, and there will be that great loss to the Government in money and in efficiency.

Mr. PADGETT. Mr. Chairman, will the gentleman yield?

Mr. KELLY of Pennsylvania. Yes.

Mr. PADGETT. The idea is for the benefit of the young men themselves. A number of them have been studying in order to get into the regular naval service. If they succeed in passing the qualification examinations, they go into the regular service; if they do not, they are still competent to be employed in a limited aviation service.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. KELLY of Pennsylvania. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLY of Pennsylvania. The result of this policy if carried into effect as outlined now will be that the Navy will

lose the expert services of some 350 men who have been trained in highly specialized work for three or four years at an expense of \$40,000 each to the Government. The point I am trying to make is that there might well be a modification of that program, and have the examination based entirely on aeronautics. Seventy per cent of the force and weight of this examination will be on subjects dealing with sea service, and these young officers are not prepared to take an examination of that kind.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. KELLY of Pennsylvania. Yes.

Mr. KELLEY of Michigan. Does the gentleman know whether or not the boys were put on notice during the last three or four years in respect to the sort of examination they would have to meet to go into the regular service?

Mr. KELLY of Pennsylvania. I do not believe they have had such notice. In any case, I believe such a policy not to be in accord with efficiency and economy. Aviation officers should be restricted to aviation duties, for that is a field worthy of the undivided attention of the most accomplished specialists. There are sciences of aviation engineering, aviation ordnance and gunnery, aviation navigation, aviation seamanship, and so forth, sufficient to occupy the best and most capable men.

This is the present situation. Examination for commission in the regular line of the Navy will be the same for men who have had 10 years of sea duty and men who have had no sea duty but are highly trained aviators. When the majority of the subjects deal exclusively with sea service, it must be realized that the aviators are at tremendous disadvantage. They are certain to be crowded out, and naval aviation will lose its most experienced and valuable officers.

I understand that line officers in the Bureau of Engineering are restricted to engineering duties. I maintain that aviation is important enough to warrant the development of officers for that duty alone. We have the officers now, with hundreds of hours in the air and with experience which would cost millions of dollars to secure for other officers. I believe we should make sure that this experience will not be lost to the Navy.

It can, perhaps, be accomplished without any great change of program, save a special examination in aeronautics for these aviators. I would commend to my good friend, Mr. BUTLER, chairman of the Naval Affairs Committee, an inquiry into the matter, with a view to learning whether such a change can not be made. I know he does not desire to see these young officers, able and enthusiastic, barred from the Navy because of a test they should not be expected to meet.

Mr. HICKS. Will the gentleman yield?

Mr. KELLY of Pennsylvania. I will.

Mr. HICKS. I am very much interested in what the gentleman is saying, because I realize the hardship that is going to be suffered by many of these aviators of ours when they are called upon to pass the contemplated examinations. For one, I have been a believer in a corps of aeronautics, so that a man entering the aviation service would know that is to be his life work, and I believe he would be a better aviator if he knew he was to be an aviator all his life instead of being transferred to the bridge of a ship or to the engine room; but that has not met with the favor of the Navy Department and it has not met with the favor of the Naval Committee. It seems to me that in this age of specialists better results can be obtained if men confine themselves to specific activities. Perhaps the creation of an aviation corps is a little in advance of the time, and the main argument of those who oppose it is—am I interrupting the gentleman too much?

Mr. KELLY of Pennsylvania. No; go ahead.

Mr. HICKS. Is that an aviator's activities are only limited by a few years of his life, and that a corps would soon become top-heavy.

Mr. BUTLER. While his heart is young?

Mr. HICKS. And therefore an aviator, if he is also an engineer or a navigating officer, can be transferred from aviation to the engine room or the bridge of the vessel, making the service more elastic, and that the man is more likely to be a better navigating officer or engineer for being an aviator and a better aviator for being an engineer or navigating officer. It is a splendid idea, a fine theory, but I doubt very much if it stands for efficiency in aviation or economy in utilizing officers for aviation when they can be utilized to better advantage in the line.

Mr. KELLY of Pennsylvania. In this day of efficiency, economy, and specialization I believe we ought to use proper methods in this great new science, and I hope that the Committee on Naval Affairs will interest themselves in it.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HUDDLESTON. Mr. Chairman, I thank the gentleman from Ohio [Mr. KNIGHT] for the speech that he has just made. I am glad to have heard his speech. I am glad to know that there is at least one among the new Members of the House who is willing to put his feet upon the solid rock upon which the gentleman has taken his stand.

I am glad to have heard the gentleman's speech. I am glad to hear somebody's speech in this House who really means what he says and who is willing to vote in accordance with the logic of his arguments. Perhaps the gentleman will not hold himself to that high standard when he has been here for a long time—others have not done so—but it speaks much for him that he is willing to stand by it now. Speaking from the opposite side of the Chamber I applaud what he has had to say, and the fact that he is willing to abide by the logic of his arguments.

Too often we have heard eloquent and able gentlemen standing upon the floor of this House debate this bill giving irrefutable reasons why the nations of the world should disarm; too often have we heard these gentlemen use eloquent phrases and unanswerable arguments denouncing the suicidal policy of militarism, and the folly, the monumental folly, of nations that persist in building great navies and raising great armies and then spoil it all by saying, "but I am going to vote for this bill." [Applause.]

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. HUDDLESTON. If the gentleman will excuse me, I have only five minutes.

It is time when Members of this House should stand by the logic of their arguments. If you believe in disarmament, there is only one way to show your sincerity, and that is to vote for disarmament. [Applause.]

I want to say to the gentleman from Ohio [Mr. KNIGHT] that I shall stand on this side, as he stands on that side, and show the faith that is in me by voting against this bill and every other bill which may be brought forward in line with the same policy and which shows the same foolish spirit.

I have been making this kind of speeches, similar in kind to that which the gentleman has made, for two years. I had become discouraged. I had decided that there was nobody in the House that would vote against these bills. I am proud to see that now in the new Congress there are those who will vote against them. I want to say to the gentleman from Ohio [Mr. KNIGHT] that I have voted against every Army appropriation bill, every naval appropriation bill, and every fortifications appropriation bill offered in this House since the armistice was signed.

It is time for those who believe that the world should disarm to give some evidence of it. The only way to disarm is to disarm. I am tired of hearing eloquent pleas and splendid arguments in favor of disarmament when nobody votes for it. I hope we will have a record vote on this bill and that others may be found to stand along with the gentleman from Ohio [Mr. KNIGHT]. Let us have done with political bluffing, let those who profess to desire disarmament show their good faith by voting for it. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. KELLEY of Michigan. Mr. Chairman, of course I do not want to unduly press matters, but I was going to make the suggestion to the Members that so far as convenient arguments of general character in reference to disarmament be reserved until we reach that portion of the bill which carries the appropriation for new construction. At that point we will try to arrange time and to be fairly generous. In the meantime let us confine ourselves as closely as we can to the particular sections of the bill, although I am not going to be at all arbitrary.

Mr. SANDERS of Indiana. Does not the gentleman think that we are entitled to about 5 or 10 minutes on the other side of the question now?

Mr. KELLEY of Michigan. I am not going to suggest any particular time, but I do suggest in the interest of forward movement that the discussion be withheld until we reach the portion of the bill to which I have referred.

Mr. SANDERS of Indiana. Mr. Chairman, I ask unanimous consent that the pro forma amendment be withdrawn, and then I move to strike out the last three words.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The gentleman from Indiana [Mr. SANDERS] moves to strike out the last three words.

Mr. SANDERS of Indiana. Mr. Chairman, I am quite willing to abide by the suggestion of the chairman of the subcommittee with reference to a general discussion of disarmament, but I do not think that the remarks of the two distinguished gentle-

men who have just preceded me should go unchallenged at this time. I do not think an hour should pass without a challenge being made to the sentiments which they express.

The gentleman from Ohio [Mr. KNIGHT] says that he is going to vote against this bill. The gentleman from Alabama [Mr. HUDDLESTON] says he is going to vote against this bill and that he has voted against every Army and Navy appropriation bill since the armistice; that he has voted against every bill that appropriated money for the fortifications of this country since the armistice was signed. Why, Mr. Chairman, I have been in the House only about four years, but when I came here it was the popular thing for Members of the House of Representatives, representing the American people, to say that they stood for preparedness, and it was the expressions in favor of preparedness that received the applause from the membership of this House and from the American people. How soon are we to forget the lessons which were then learned? Suppose, Mr. Chairman, that the majority of the membership of this House should rise from their seats and say that they intended to vote against this appropriation bill for our Navy and against the appropriation bills for our Army and against the appropriation bills which provide for the necessary defense of the coasts of this mighty Nation. Well, of course, these gentlemen do not expect a majority to vote against these appropriation bills. These gentlemen expect a majority to stand up here and put these appropriation bills through and have their remarks in favor of disarmament to go to the people.

They know that if the theory should obtain, and they would disarm this mighty Nation of ours, the country would rise up against such an action and send a new set of Representatives of the real, red-blooded American people, who believe in the might and the strength of this Nation. [Loud applause.]

When did we come to the point where we must despise the might and the strength and the power of this Nation? Beautiful theories are fine. They were fine in the Revolutionary days. It was beautiful to hear expressions made of how people ought not to be taxed without representation, but it was only when these people used the power of the people that we obtained our independence. In 1812, when we were all but driven off the sea, people explained in beautiful language and our diplomats in wonderful language how we were being imposed upon by other nations, but it was only when the power of this mighty Republic was used that we were able to have the freedom of the seas. Prior to the Civil War days clear statements were made with reference to the necessity of a Union, but it was only in the final result, when the power of this country was used, that that question was settled.

We had it explained in beautiful language, and—

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SANDERS of Indiana. Mr. Chairman, I ask unanimous consent for four minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SANDERS of Indiana. In the days preceding the Spanish-American War the diplomats of this country pointed out the injustice and the inhumanity of the contentions of Spain, and I would like for the gentleman from Alabama [Mr. HUDDLESTON], who served his country in the Spanish-American War, if I remember correctly, to remember that it was only when the call of the might of this country was made and we assembled the power of this Nation that we finally cured the evils of those days.

When we had our troubles with Germany President Wilson through diplomatic channels stated admirably in many instances the position of the United States of America and showed that our rights were being trampled on, and he did it time and time again, but Germany continued to trample upon our rights. It was only when we assembled in arms upward of four and a half millions of men and gave notice to the world that ten millions of men would be used if necessary; it was only when we used the battleships that had been builded against the cries of the pacifists in this House and in this country, and used all the implements of warfare that had been builded with appropriations which are now condemned; it was only when these were all used, Mr. Chairman, that we won a victory and brought peace to this country, security for our people, and respect to the American flag. Therefore, Mr. Chairman, I say, why despise all at once the power and the might of this Nation? [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. McARTHUR. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Oregon is recognized.

Mr. McARTHUR. Mr. Chairman and gentlemen of the committee, the arguments that we have heard from the gentleman from Ohio [Mr. KNIGHT] and the gentleman from Alabama [Mr. HUDDLESTON] remind me of the things I used to hear when I first came to this House six years ago. There was at that time a small minority—not a political minority, but a small minority of the membership—who voted for better measures of naval and military preparedness. It was a small minority as compared with the total membership of the House, and it was ineffective in so far as securing immediate results. Had the House listened to the views of that small minority, which was led by the late lamented Augustus P. Gardner, of Massachusetts [applause], I venture the statement, without fear of successful contradiction, that when we were at last called upon to enter the lists in the great World War there would have been saved to this country hundreds of thousands of lives and billions of treasure.

And the same voices that were raised in opposition to naval and military preparedness six years ago—before we went into the World War—are to-day raised against an adequate measure of military and naval preparedness. I am not going to be swayed from the pathway of my plain and positive duty by the shallow arguments of those who rise here and forget the lessons of the recent war. I, for one, am going to stand by the committee that has reported this legislation. I am going to stand by every fair measure for naval and military preparedness for this country, and I am not going to take any stock in this disarmament propaganda until we can bring all the nations of the world together in a disarmament plan and until I know that the other nations will keep the faith. [Applause.]

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. HILL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Maryland moves to strike out the last word.

Mr. HILL. Mr. Chairman and gentlemen, as one of the new Members of the House, I am brought to my feet by the repetition of the name of a former Member of this House, the Hon. Augustus P. Gardner, and I am brought to my feet reluctantly, because I am a new Member, but I rise to second the words of the gentleman from Indiana [Mr. SANDERS] and the words of the gentleman from Oregon [Mr. McARTHUR]. I say to you that I do not yield to anyone in the desire to have economy in this country, but I shall vote for this bill and I shall vote for every other bill that means proper and adequate national defense for these United States. [Applause.]

Back in 1917, on November 18, "Gussie" Gardner introduced his resolution in this House providing for an investigation of the defenses of this Nation, and about the same time Maj. Gen. Wotherspoon, Chief of Staff of the Army of the United States, made his report as Chief of Staff and showed that the so-called land defenses of this Nation were utterly absurd. In those days, as "Gussie" Gardner—and we who loved that great American like to call him by that name—said, the United States was like a man with a chip on each shoulder and both arms in a sling. And I say to you, gentlemen, that unless at this time we provide the Government that we believe in with two strong arms, a Navy arm and an Army arm, we will again be what we were before this war—Uncle Sam, with a chip on each shoulder and both arms in a sling!

And I want to say one more word to you. Of course, we want disarmament, if possible. Of course we want economy, if possible, and there is not a man in this broad United States who hates war more and wants war less than the men who saw the splendid work of the Navy of the United States when we crossed on the transports in June, 1918. But I say to you that we must remember at this time the words of Theodore Roosevelt:

The man who says, "I did not raise my boy to be a soldier" is as bad as the woman who says, "I did not bring up my daughter to be a mother."

[Applause.]

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. JONES of Texas rose.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. JONES of Texas. Mr. Chairman and gentlemen of the committee, I do not see any occasion for everybody becoming so warlike this morning. These speeches indicate that everybody is getting blood soaked and belligerent and preparing to go into battle right now. As a matter of fact, our Nation is at peace and there are no war clouds dark and lurid swirling above our heads and threatening a deluge of bloodshed and carnage.

We are at peace with every nation on the face of the earth. Our external skies are clear. Our lives are secure. Our commerce is safe. There are no smoke screens of battle or rivers of human blood, such as historians have pictured of the warriors of old who have stood at the cannon's mouth and faced a storm of lead and fire.

So why get all worked up and bring back the days of 1917, when the whole country and the world were aflame? Now, I believe my friend from Alabama [Mr. HUDDLESTON] and the gentleman from Ohio [Mr. KNIGHT] are a little extreme in their position, but I believe they are no more so than those who have talked on the other side of this question; and I, for one, am getting tired of the man who really is sincerely in favor of disarmament in this country being branded as a pacifist and a coward. [Applause.] I do not believe it requires any more courage to plead for a big Army and a big Navy than it does to plead for a small Army and a small Navy. I do not believe it requires any less American courage for a man to walk down the street and into a realm of danger unarmed than it does to buckle on a six-shooter and a sword and a carbine and parade like a braggart.

There is one way and one way only among nations, as among individuals, to have peace and harmony, and that is for the man who is strong physically, who possesses a strong arm, and who possesses courage to say, "I will do my part toward seeing that individuals disarm"; and the same thing applies to nations. I believe in a strong Navy. I do not believe we ought to have the finest Navy in the world, but I do believe that in order to get our products to market and to take care of our commerce and see that it is protected we need a good Navy. I do not believe we need it in the form of battleships so much as in the form of modern equipment. Under the sea and in the air the effective weapons of the future will probably operate. However, just because we need a strong Navy I do not see any use of saying, "We are going to build the finest and the biggest and the most of everything on the face of the earth." Somebody must pay for all of this. The man who follows the plow, the merchant, the business man—all are called upon to help pay the bill. I do not believe it is necessary for us to have a great Army in this country. There must be some economy in our appropriations. There seem to be a few gentlemen in the House of Representatives who think it is satisfactory to say, "I believe in international disarmament; I believe the nations ought to disarm, but I want us to remain armed." There is no nation on the face of the earth that is in such a good position to say to the other nations of the world, "We will lead the way and let you follow." [Applause.] After we have cut down our Army and held our Navy back in its development there will be plenty of time for us to go ahead and make our preparations if the other nations do not follow our example. I want to see our beautiful theories that we hear expressed from the lips of some of these eloquent Members put to the test of actual facts. There is one way to do it. America has the strength. She has the power. She can do it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES of Texas. I ask unanimous consent for four minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for four additional minutes. Is there objection?

Mr. KELLEY of Michigan. Of course, I am not going to object, and yet I think we really ought to make some progress with the bill. This debate is entirely out of order.

Mr. JONES of Texas. The gentleman listened to three speeches on the other side of this question.

The CHAIRMAN. The Chair hears no objection. The gentleman is recognized for four additional minutes.

Mr. JONES of Texas. I think something ought to be said on the middle ground of this subject. There are people who have been taking extreme positions.

Mr. HUDDLESTON. The gentleman says something ought to be said on the middle ground. What does the gentleman understand my position to be? I say I am going to vote against this bill, which is to make our Navy the greatest Navy in the world. I am opposed to that.

Mr. JONES of Texas. I am just taking the natural inference from the gentleman's own words. I may have misjudged him, but he said he had voted against every Army bill and every Navy bill since the signing of the armistice, and he has not said he would have voted for a smaller Army or a smaller Navy.

Mr. HUDDLESTON. I did not get the chance.

Mr. JONES of Texas. The gentleman had 10 minutes. I can say that in less than 10 minutes.

Mr. HUDDLESTON. I had only five minutes and the gentleman has nine.

Mr. JONES of Texas. The gentleman need have no fear. I was taking up for the gentleman as much as I was taking up for the other side. I am sure the gentleman would vote for some sort of a Navy and for some sort of an Army. I do not know whether it would be large enough or not. He can make his own explanation about that. I am making no fight on him, as I am making no fight on the man who takes the other extreme, but I would like to see the position taken in this country that while we are going to maintain an Army and a Navy for national protection, and we are going to have the Navy strong enough to take care of our rights on the high seas, we are not going to arm enough to try to bluff the whole world. [Applause.] We are not running a game of bluff. We want simply to take care of the interests and the rights of America. But you are not going to have disarmament in this country nor in the world by simply preaching it and practicing the other extreme. Somewhere, somehow, some great nation on this earth must take the first step, and I would like to see America take that first step. [Applause.] Are we going to carry on war forever? Is that to remain forever the principal subject of the historian and the theme of the poet's song? I want to see the poet and the historian select a new star of hope, and with eyes fixed on that star let the world walk into the new sunlight of lasting peace.

Mr. GRAHAM of Illinois. I would like to know what the gentleman means by his expression when he says he would like to see the United States take the first step. Does he mean that we should start to disarm now before anybody else does?

Mr. JONES of Texas. Oh, nobody wants to disarm completely. What we want is a limitation of armaments and a consequent reduction. I was simply saying that we should maintain a reasonable Army and a reasonable Navy, and not take the position some have taken here that we ought to go forward and build the greatest Navy in the world before this question of disarmament is brought to a head.

Mr. GRAHAM of Illinois. Then, until the time comes by international agreement when we can disarm, the gentleman is in favor of our being prepared.

Mr. JONES of Texas. In regard to taking some steps toward disarmament, the United States is in a better position than any other nation on earth, and they should not interfere with the movement by voting for great armaments. We can do that later on. If that is done it will show our good faith. I would like to see disarmament begun rather than talked about. Why is not some affirmative action being taken?

Mr. GRAHAM of Illinois. By taking it up by diplomatic interchange, but are you going to start it by refusing to build the ships and keep up an adequate preparedness?

Mr. JONES of Texas. Well, why does not the President call upon the nations for international disarmament? He has the power, the prestige, and the authority. Why the delay?

The CHAIRMAN. The time of the gentleman from Texas has expired, and all time has expired.

Mr. HUSTED. Mr. Chairman, I move to strike out the necessary number of words.

The CHAIRMAN. There are two amendments pending.

Mr. HUSTED. I ask unanimous consent that the pro forma amendments be withdrawn.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the pro forma amendments be withdrawn. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that all debate on the paragraph and all amendments thereto conclude in 10 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that all debate on the paragraph and amendments thereto conclude in 10 minutes. Is there objection?

Mr. GRAHAM of Illinois. Reserving the right to object, I would like to have five minutes. I have not taken any time on the bill.

Mr. HUDDLESTON. Reserving the right to object, I want five minutes.

Mr. KELLEY of Michigan. Can not the gentleman take it on another paragraph?

Mr. HUDDLESTON. I can, but it is just as well to take it now as later on. What is the difference? I would like to discuss this matter a little further just at this time, and I do not think it unreasonable to take 10 minutes on the bill as I have only had 5.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. HUDDLESTON. Reserving the right to object—

Mr. KELLEY of Michigan. I will make it 15 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that all debate on the paragraph and amendments thereto conclude in 15 minutes. Is there objection?

Mr. GRAHAM of Illinois. I object.

Mr. HUSTED. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the gentleman from Alabama and the gentleman from Ohio, who said they intended to vote against this bill, are not alone in their advocacy of disarmament. I do not believe there is a Member of this House who is opposed to the proper reduction of armament. We all want to get rid of the terrible burdens that are imposed on this country and upon all the great nations of the world as a consequence of arming for war. The question is not whether we are for or against disarmament but as to how it is to be done. The gentleman from Alabama says the only way to disarm is to disarm. I assume that he is influenced by the belief that if this country starts to disarm all the other powerful nations of the world are immediately going to follow suit. I for one am not willing to proceed on that assumption. We all know that as the world is constituted to-day a nation is powerful just exactly in proportion to its ability to enforce its will. We want this Nation to remain powerful for the purpose of enforcing its will for the good of humanity, for the good of civilization in the days that are to come, just exactly as we did on the fields of France in the year 1918. [Applause.] Not by war, I hope, and not by the threat of war, but by the exercise of influence on the side of right and justice between the nations of the world. [Applause.]

I am in favor of disarmament, but I am in favor of a proportional disarmament. I am in favor of disarmament by agreement among the nations of the world, which will not see America give up her strength until the other nations have signified their willingness and have shown their intention to do it also.

The gentleman from Ohio said that he intends to vote against the bill because the question has not been settled as to whether the battleship is to remain in the future, as it has been in the past, the main strength of the Navy. I admit there is a divided opinion in naval circles about it, not only in our own Navy but in the navies of other nations. The question is unsettled, and it seems to me it would be the height of folly, in view of the present situation, for us to give up the plan which has always proved to be the correct plan until another plan has been proved to be better. That has certainly not been proved.

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Chairman, I have no quarrel with the gentlemen who will vote for this bill in the honest belief that we ought to have the greatest Navy in the world. That is a matter between them and their constituents; I can stand it if the people whom they represent here can. All gentlemen who honestly believe that, before we begin to talk about disarmament, we ought to go ahead and build the biggest Navy in the world, are bound to vote for this bill. While I do not admire their judgment, at least I can respect their courage and sincerity. What I object to is Members professing to be in favor of disarmament and then going ahead and voting for the biggest Navy in the world. I object to their looking one way and shooting the other. I object to professions without action—to argument and fair words on one side with votes on the other. If you think we ought to have the biggest Navy in the world, vote for this bill; if you do not think that, then the only way you can show your position is to vote against this bill. [Applause.] That is the logic of the situation.

The trouble with these preparedness advocates, as is well illustrated by some of the gentlemen who have spoken, is that they prate of "adequate preparedness" without really knowing what they mean. I have heard that expression in this House until I am nearly sick of it. I have a good strong stomach, but I am getting about enough of it. As I say, the trouble with them is that they are in a state of mental fog; they do not know what "adequate preparedness" is. It is absolutely impossible for one of them in a day's time to tell you what he means by adequate preparedness. There never was a nation that was adequately prepared. Germany was not adequately prepared when she entered the World War. Great Britain has been mistress of the seas for 300 years, yet was not

adequately prepared on the sea when she entered the war. To be "adequately prepared" is to be prepared against any reasonably possible contingency. It means to be armed against any reasonably possible combination of nations which may be formed. It means, in short, to assume such a burden of militarism as to make it a poor choice between bearing its evils and submitting to defeat by a foreign power. No nation can afford to be adequately prepared—its cost will exceed any possible benefit. Hence it may be said that any nation that is adequately prepared is governed by fools. That is plain language, but I mean it.

What is adequate preparedness? We have had some statesmen in this country who compare in wisdom in a measure with the gentleman from Indiana [Mr. SANDERS] and with the modest gentleman from Maryland [Mr. HILL], who was obviously so reluctant to come to his feet. In other days, men almost as wise as they even at the time to which the gentleman from Indiana refers, in 1898, thought that a standing army of 25,000 men was adequate, and that a Navy of perhaps one-fiftieth of our present strength was adequate. Have we had a new and great light? Have new Daniels come to judgment? Have new and greater statesmen come into this Capitol? Do these men know so much more now than the great statesmen knew then? Perhaps so, perhaps so. To listen to these gentlemen, to observe their assurance, and to note the emphasis with which they speak and their dogmatic manners, one would be inclined to believe so. But perhaps an incredulous man, an iconoclast, an obstinate fellow reluctant to believe, may find room for reasonable and honest doubt. Their opinion to the contrary, perhaps he may be justified in holding that the elder statesmen knew a thing or two.

Mr. ROSENBLOOM. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. The gentleman will please excuse me, as I have not the time.

Mr. Chairman, it was considered in the time to which I refer that our Army and Navy were sufficient. What do these gentlemen, these new statesmen, stand for? Do you believe in universal compulsory military service? Answer me that, some of you. Do you believe in piling up the cost of Government into billions a year for what you call "preparedness"? Do you believe in adequate preparedness that would enable us to meet any two nations of the world in contest? England and Japan are in alliance. Do you believe in preparing ourselves on land and sea in such form and strength as to meet a combination of that kind? I dare you to say that you do. If you do, say so; then truly, if I understand American feeling aright, we will surely see some new faces in this House.

Mr. ROSENBLOOM. Mr. Chairman, will the gentleman yield—for information?

Mr. HUDDLESTON. Oh, the gentleman will excuse me. I am like the average preparedness Congressman. I have no information—only a luxuriant imagination. [Applause and laughter.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. NORTON. Mr. Chairman, I move to strike out the last two words.

Mr. KELLEY of Michigan. Mr. Chairman, before the gentleman proceeds, I ask unanimous consent that all debate upon this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that all debate upon this paragraph and all amendments thereto close in five minutes. Is there objection? There was no objection.

Mr. NORTON. Mr. Chairman, I am glad that I am one who can answer the gentleman from Alabama [Mr. HUDDLESTON] and say that I do hope personally and individually to see America the leader on the oceans of the world. [Applause.] I am not afraid to say that the time has not come, nor will it ever come, when the United States with all of its wealth ought not to be able to construct two boats to one of any other country, and so long as I am a Member of the House and that question ever arises I shall always vote in order that the United States may lead all of the rest of the world. History shows that every country in the world which has had the leading navy of the time has been the leading country of the time. What has made Great Britain what she is to-day? Why does she, a small country, lead to-day? The United States with all of its wealth, all of its power, can well afford to construct such vessels as are necessary to warn the world that if they want trouble with the United States they shall have it. There is nothing like preparedness to keep the country out of war. I believe in pre-

paredness in the Army, but first of all in the Navy. We have a great coast to protect. We are a world power, and it is the duty of the United States to lead all commerce, at all times, and I for one am willing to say to the gentleman that if the occasion arises I shall vote for two boats for England's one or one of any other country.

The Clerk read as follows:

Naval training station, Rhode Island: Maintenance of naval training station, Rhode Island, labor and material, buildings, and wharves; dredging channels; extending sea walls; repairs to causeway and sea wall; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferriage, and street car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, repairs to same, including the maintenance, repair, and operation of two horse-drawn passenger-carrying vehicles to be used only for official purposes; fire engines and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and materials, and maintenance of same; heating and lighting; stationery, books, schoolbooks, and periodicals; fresh water, and washing; packing boxes and materials; and all other contingent expenses; lectures and suitable entertainments for apprentice seamen; in all, \$185,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service for the fiscal year ending June 30, 1922, shall not exceed \$15,701.60.

Mr. GRAHAM of Illinois. Mr. Chairman, I move to strike out the last word in order to ask a question of the chairman of the committee. This question should have been asked on the paragraph about the Hydrographic Survey. This is a bureau, is it not, in the Navy Department?

Mr. KELLEY of Michigan. Yes.

Mr. GRAHAM of Illinois. It occurred to me for a considerable time that the function of this bureau might well be consolidated with that of the Coast and Geodetic Survey.

Mr. KELLEY of Michigan. I think possibly the suggestion of the gentleman is meritorious.

Mr. GRAHAM of Illinois. I am convinced in my own mind from what I know about it that there is great duplication of overhead in those two bureaus.

Mr. KELLEY of Michigan. Of course, this survey is for outside of the territorial jurisdiction of the United States, for the coast outside of the United States.

Mr. GRAHAM of Illinois. Still they might be maintained by the same organization?

Mr. KELLEY of Michigan. I think so. It might properly be considered in the general plans of consolidating the bureaus and departments.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. HICKS. The Naval Committee took up this matter that the gentleman from Illinois is now speaking about, and we found that these particular surveys are, as stated by the gentleman from Michigan, for ocean chart making—for instance, in the Philippine Islands, in the West Indies, and so forth—entirely outside of the work of the Coast and Geodetic Survey. As a matter of fact there is no duplication, and a large part of this money that is appropriated here is for the purchase of charts from the British and other Governments. As the gentleman knows, the British Government maintains probably the most extensive chart-making bureau in the world. During the war, especially, we purchased a vast number of those British charts of waters where we had no surveys. This work now carried on does not interfere with the Coast and Geodetic Survey; it does not overlap; it is for work beyond continental United States.

Mr. GRAHAM of Illinois. I know that is true, but most of this is for drafting, for copying.

Mr. HICKS. And they use naval vessels, I may say, for that purpose.

Mr. GRAHAM of Illinois. Is there any idea in the minds of the commission who are now investigating this subject of possibly combining this in one?

Mr. HICKS. I do not know about the work of the commission, and it seems to me it might be done without any detriment to the service, but the Committee on Naval Affairs has considered it, and up to this time we have not felt like recommending that this service be combined with the Coast and Geodetic Survey.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Contingent, Bureau of Ordnance: For miscellaneous items, namely, cartage, expenses of light and water at ammunition depots and stations, tools, ferriage, technical books, and incidental expenses attending inspection of ordnance material, \$20,000.

Mr. STEPHENS. Mr. Chairman, I desire to present an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, after line 2, insert a new paragraph, as follows:
 "That no part of the appropriations heretofore, herein, or hereafter made for 'increase of the Navy' under the Bureau or Ordnance and no part of allotments of appropriations heretofore or hereafter made to said bureau shall be available for the payment for services or materials used in the construction of any shop, building, living quarters, or other structure unless the appropriation shall in terms specifically authorize such construction: *Provided*, That hereafter ordnance materials procured under the various ordnance appropriations shall not be available for issue, to meet the general needs of the naval service, under the appropriation from which procured."

Mr. BYRNES of South Carolina. Mr. Chairman, I make the point of order, or I will reserve the point of order if the gentleman wishes to discuss his amendment.

Mr. STEPHENS. I desire just to present the amendment—

Mr. BYRNES of South Carolina. I will reserve the point of order.

Mr. STEPHENS. Mr. Chairman, the amendment in effect is to provide that any appropriations made, for instance, in the Ordnance Department, would be used specifically for ordnance purposes, and that the money appropriated for this particular department could not be used for another department without an accounting between the two departments. Perhaps I can explain it better by saying that if the Ordnance Department should purchase, among its other material, a lot of lumber and other building materials, the Department of Yards and Docks could not use this material in the building of houses or other buildings without giving credit to the Ordnance Department for such expenditure. I am offering this amendment in order to correct what has come to my attention within the last few days—the method by which a building could be erected without authority or without properly accounting for the necessary funds that have to go into that building. In other words, if the Ordnance Department has material and the Yards and Docks uses that material in building a house or other building there is no accounting in either department to show that the material was used in the building of this house or building. This amendment is to correct conditions of that kind. I think that is all I desire to say.

Mr. KELLEY of Michigan. Mr. Chairman, of course the provision is subject to the point of order, and I understand the gentleman from South Carolina has made it.

Mr. BYRNES of South Carolina. I reserved the point of order, and I make it.

The CHAIRMAN. The point of order is sustained.

Mr. McKENZIE. Will the gentleman yield for a question?

Mr. KELLEY of Michigan. I will.

Mr. McKENZIE. Has it been the policy pursued in the Navy to permit appropriations made by Congress to be utilized for the construction of permanent buildings not authorized by the Congress?

Mr. KELLEY of Michigan. I will say to my friend from Illinois that there is a provision of law affecting the Ordnance Department alone which does permit the interchange of funds, and if there is a deficiency in one item and a balance has been saved out of another they can apply the balance where the deficiency exists. That is not true of any other bureau of the Navy, and I am inclined to think that it ought not to be so in the Ordnance Department, but the reason that was given at the time the law was passed was that it facilitated in ship construction by permitting equipment designed for one ship but not needed at the moment on that ship so to be transferred to another ship. It facilitated the progress of construction. I presume that that had something to do with the action of Congress in making this exception in favor of the Ordnance Department, but I think it is a question that the Committee on Naval Affairs having charge of legislation should consider very seriously, as I am inclined to believe that there are some abuses growing out of it, although I can not so state positively at this time. I think the practice needs attention.

Mr. McKENZIE. The real point of my question is not so much the transfer of one fund to another or vice versa, switching them about, but the point I am driving at is whether or not the officers in the Navy will proceed to put up a building for a commandant or build a shop somewhere not authorized by the Congress.

Mr. KELLEY of Michigan. That would not be true of any department except the Bureau of Ordnance.

Mr. McKENZIE. I see.

Mr. KELLEY of Michigan. In pursuing this inquiry somewhat without having opportunity to go into it thoroughly, in reference to the armor plate factory and ordnance factory at Charleston, W. Va., it seemed to the committee that funds intended for other purposes had been used in the equipment of buildings there which had been erected during the war out of funds properly appropriated for that purpose. At any rate, the sums of money—

The CHAIRMAN. The time of the gentleman has expired.

Mr. KELLEY of Michigan. I ask for five minutes additional.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLEY of Michigan. The sums of money asked for by the Bureau of Ordnance for the repairs and preservation of buildings at Charleston seemed all out of proportion to what would be needed for the repairs of an entirely new plant, and this was taken into account in making the appropriation. The committee reduced the amount asked for by the Bureau of Ordnance from \$17,500,000 to \$14,000,000, which, I think, takes care of the situation. However, there is the chance for abuse if funds appropriated for one purpose—I mean for ships or guns—can be used for the equipment of shops under a general provision making all appropriations for ordnance one fund. But, of course, the Committee on Appropriations has no authority to report a repeal of the existing law in this particular.

Mr. McKENZIE. If the gentleman will permit, after his statement I can not understand why my good friend from South Carolina [Mr. BYRNES] would interpose a point of order.

Mr. BYRNES of South Carolina. The Appropriations Committee has been criticized quite often on the floor for putting legislation in bills, and unless the legislative committee of this House is in favor of it I should not want to do it.

Mr. KELLEY of Michigan. I think the gentleman from South Carolina did right in making the point of order, because we ought to be sure of the effect of the proposed provision. If it would make it necessary to put a particular gun on a particular ship, that, of course, would be a great handicap. The corrective legislation should cure the bad practice without introducing any handicap of public work.

Mr. BUTLER. How much are you going to give my committee to do? Here is one of my colleagues who offers an amendment. It is a matter of legislation, and notwithstanding the zeal I may have for the jurisdiction of the committee of which I am a member, I believe this is a good thing to do and ought to be done now and put on this bill as offered. Therefore I shall ask the gentleman from South Carolina to withdraw the point of order. We have some intimations that things are happening that make this necessary.

Mr. KELLEY of Michigan. If my friend from Pennsylvania [Mr. BUTLER], the chairman of the Committee on Naval Affairs, is convinced that this provision suggested by the gentleman from Ohio [Mr. STEPHENS] will not tie up the construction or prevent the transfer of guns from one ship to another, I would gladly accept his judgment, as would also the gentleman from South Carolina [Mr. BYRNES], I am very sure.

Mr. BUTLER. I do not know how far-reaching it is, but I know it will cover a case that my colleague the gentleman from Ohio [Mr. STEPHENS] has in mind. A certain condition came to our attention yesterday that makes me think it should go in.

Mr. STEPHENS. It will cover all cases where money has been expended for material and the material is used by this department or by some other department, because in that use it would have to be accounted for. In other words, if the material is needed by the Ordnance Department, and it is used for building purposes, the Department of Yards and Docks must give them credit for it before it can be used. Therefore it is accounted for. As it is now, these buildings can go on without any accounting. You do not know where they get the material or where the money comes from. They have got the material.

Mr. KELLEY of Michigan. I think the gentleman from Ohio [Mr. STEPHENS] has stated the practice a little too broadly.

Mr. STEPHENS. Maybe I have.

Mr. KELLEY of Michigan. My understanding is that the only question involved in the matter is whether or not all the various funds which are appropriated for particular purposes may be under law in the end welded together into one fund, so that if there is a shortage in one item carried for the Ordnance Department and an excess in another, they can use the balance in one fund to make up a deficiency in another.

Mr. STEPHENS. Absolutely.

Mr. KELLEY of Michigan. This is the only department of the Navy that can do that, and the reason that was given, as I said, was that it facilitated in the construction of ships by enabling the bureau to put the guns on the ships that were farthest advanced.

Mr. JOHNSON of Mississippi. Mr. Chairman, all this is out of order.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN (Mr. DOWELL). The gentleman will state it.

Mr. BYRNES of South Carolina. I want to know if I can withdraw the point of order.

The CHAIRMAN. The Chair has not ruled upon the point of order.

Mr. BYRNES of South Carolina. Anticipating that, I want to suggest to the gentleman that he offer his amendment again. In view of the fact that the chairman of the Committee on Naval Affairs states that his committee has investigated the matter and they are satisfied it should be in this bill, I will not make the point of order against it.

Mr. STEPHENS. Mr. Chairman, I desire to reoffer the amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amendment offered by Mr. STEPHENS: Page 17, after line 2, insert a new paragraph, as follows:

"That no part of the appropriations heretofore, herein, or hereafter made for 'Increase of the Navy,' under the Bureau of Ordnance, and no part of the allotments of appropriations heretofore or hereafter made to said bureau shall be available for the payment for service or materials used in the construction of any shop, building, living quarters, or any other structure, unless the appropriation shall in terms specifically authorize such construction: *Provided*, That hereafter ordnance materials procured under the various ordnance appropriations shall not be available for issue to meet the general needs of the naval service, out of the appropriation from which procured."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order. I wish to inquire of the gentleman whether his amendment does not go too far in seeking to prohibit the use of funds heretofore appropriated for certain purposes for which perhaps the Navy Department has already entered into contract?

Mr. STEPHENS. It does not affect them in the least.

Mr. STAFFORD. The wording of the amendment says that the appropriations heretofore made shall not be used. If the Navy Department has made contracts relying upon the availability of those appropriations, you have put in a prohibition that prevents them from using the money for the purpose designated.

Mr. STEPHENS. The money heretofore appropriated in any particular bureau or division—for instance, Ordnance or Yards and Docks. That means that the money that was appropriated for the Ordnance Department is solely for that department, and the money appropriated for the Ordnance Department can not be utilized for the general use of the Navy.

Mr. STAFFORD. Assuming the case that the Navy Department has at the present time utilized or allotted some of the money that had heretofore been appropriated in prior appropriation bills for the very purpose the gentleman seeks to prohibit, would not that prohibit the Navy Department in the utilization of those funds?

Mr. KELLEY of Michigan. If the gentleman will permit me, in reading the amendment offered by the gentleman from Ohio [Mr. STEPHENS] I interpret it to mean this, that it would not prevent the use of funds heretofore appropriated for any particular purpose for that particular purpose, but it would prevent their being used for any purpose other than the purpose specifically set out in the bill making the particular appropriation.

Mr. STAFFORD. But assuming the case which I instanced to the gentleman from Ohio [Mr. STEPHENS], where the Navy Department may have utilized funds from other sources for this very purpose, the question is whether the passage of this amendment, which is legislation, would not prevent the Comptroller of the Treasury from authorizing the use of these funds, because Congress says these funds shall not be used, and yet the Navy Department may have counted on the utilization of these funds.

Mr. KELLEY of Michigan. That is what he proposes to accomplish, that the money shall not be used for any purpose other than that for which it was appropriated.

Mr. STAFFORD. So far as any contracts arising in the future are concerned, I think the amendment is worthy of adoption, but I can see where perhaps it will interfere with the working of the Navy Department if you give it too broad an application.

Mr. STEPHENS. There are no instances of that kind. This is only to prevent the use of material or appropriations in any particular department—the material of that department—for the general use of the Navy in some other department.

Mr. STAFFORD. The language is broader than the extent to which the gentleman tries to limit it in his explanation.

Mr. MCKENZIE. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Illinois.

Mr. MCKENZIE. I desire to put up to the gentleman from Wisconsin a proposition: Suppose that out of the appropriation for ordnance the Navy Department, under the authorization of law, had expended \$50,000 of the ordnance appropriation in the putting up of buildings without Congress being

advised of that action. Now, suppose that this amendment is adopted, and the building is not completed. All that the officers in the Navy will have to do is to come to Congress, put their cards on the table, admit that they have been using money that was not authorized for that purpose, and ask Congress, if it regards it as a worthy project, to give them money to complete the building.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. WINGO rose.

Mr. BEGG. Mr. Chairman, I reserve a point of order further.

The CHAIRMAN. The gentleman from Arkansas [Mr. WINGO] is recognized.

Mr. WINGO. Mr. Chairman, I do not think the amendment as originally offered is subject to a point of order, although I do not wish to take the position of criticizing the opinion of the Chair. The amendment was treated as out of order without thorough consideration. I wish to direct attention to the question raised by the gentleman from Wisconsin [Mr. STAFFORD]. The proposed amendment is divided into two divisions, and it is only the first provision that undertakes to cover appropriations heretofore made. I will read the first part of it, which provides:

That no part of the appropriations heretofore, herein, or hereafter made for increase of the Navy under the Bureau of Ordnance, and no part of the allotments of appropriations heretofore or hereafter made to said bureau shall be available for services or material used in the erection of any shop, building, or other construction unless Congress specifically authorizes such construction.

That is the only part that undertakes to cover appropriations heretofore made. Plainly that is not subject to a point of order, although there may be a contention that the proviso is subject to a point of order. I read the proviso:

Provided, That hereafter ordnance materials procured under ordnance appropriations shall not be available for issue to meet the general needs of the service under the appropriation from which they are procured.

I contend that that is not subject to a point of order.

Mr. MADDEN. It is permanent law. It says "hereafter."

Mr. WINGO. I know; but it is a limitation upon this specific provision, and the only ground that you can contend that it is legislation is the ground that it is permanent. But it will reduce expenditures, and it will not only reduce expenditures but it will also correct an evil, such as that which the gentleman from Ohio [Mr. STEPHENS] points out, which, if true, is very reprehensible.

Mr. KELLEY of Michigan. Does the gentleman contend that the restriction on the use of funds, not only those appropriated in this bill but those appropriated in former bills, is not subject to a point of order?

Mr. WINGO. If it undertakes to reduce expenditures, it would not be. It shows that on its face.

Mr. KELLEY of Michigan. Oh, no.

Mr. WINGO. The law provides that you shall not make an appropriation for one purpose and use it for another purpose. But it may be that it is necessary to do this.

Let us take the first part, particularly referred to by the gentleman from Wisconsin [Mr. STAFFORD]. If they are taking appropriations for other purposes and building shops and living quarters and other structures, then it is reprehensible, and this Congress ought to call a halt on it. If they are not doing it, then it will not hurt.

Mr. KELLEY of Michigan. The gentleman would not say that it is reprehensible if it is authorized by law or if they are authorized by law to do it, which they are.

Mr. WINGO. This provision says they are not authorized to do it. They may have a technical provision of the law under which they say they are permitted to do it. There is no question but that morally it is reprehensible. It is taking an appropriation and using it for a purpose contrary to the expressed purpose mentioned in the act, and Congress is not advised of it.

Mr. KELLEY of Michigan. No. Under the Ordnance Department there is a provision of law for an interchange of funds.

Mr. WINGO. Is there a provision of law providing that you can take money appropriated for ordnance and use it for building officers' quarters?

Mr. KELLEY of Michigan. No; it does not say that; but—

Mr. WINGO. They have a law under which they contend that where, for illustration, there is an appropriation for guns on one vessel, they may use the gun on another project. But if an appropriation to build guns is allotted to that purpose and subsequently officers' quarters are needed, and with that money they go and build officers' quarters, the principle is the same, whether you build a hundred dollar shack or an expensive set

of officers' quarters. The appropriation should be made specifically in any case.

Mr. KELLEY of Michigan. I agree with the gentleman; but the fact is that there are appropriations made for various sorts of construction.

It is seldom that a bill goes through that does not carry some appropriation for a building of some kind. That is a specific appropriation for building. Now, a general clause is contained in the law controlling the ordnance expenditures which provides that their funds are interchangeable. If there is a shortage in their building fund, they simply reach over and take any excess funds from some other appropriation and splice out the building fund, and I think they are within their legal rights in doing so.

Mr. WINGO. Yes.

Mr. KELLEY of Michigan. But I think it is a very bad policy.

Mr. WINGO. It is a strained construction. The gentleman knows what they do. It is no reflection, because, after all, you have got to judge these gentlemen in the departments by their precedents. They are bound by them. But you know there have been times when they knew in advance they were going to build a more expensive structure than they asked an appropriation for, and then under this transfer system they have gone ahead and carried out their original plans, which they did not disclose to Congress, and they used more funds than Congress authorized them to use, and yet they sit back and say, "Under the technical interpretation of the law we can do it." I think the amendment of the gentleman from Ohio calls a halt on that. Let us get back to economy. Let us say to them, "If you want a building of any kind, come in and lay your cards on the table, show your hand, and do not take an appropriation intended to build guns or other ordnance and use it to build bungalows."

Mr. BEGG. I desire further to reserve the point of order, for the purpose of asking a question. I should like to ask the distinguished gentleman from Pennsylvania [Mr. BUTLER] if he does not consider this amendment that is offered as pure, clean-cut legislation?

Mr. BUTLER. I do.

Mr. BEGG. Well, Mr. Chairman—

Mr. BUTLER. Will the gentleman let me state further?

Mr. BEGG. I certainly will.

Mr. BUTLER. I do not know how far it will reach. I had intended to ask the gentleman whether he would not eliminate from the amendment the second part of it. It will then meet the purpose which I think the gentleman intends to have it reach.

Mr. BEGG. With that statement I shall make the point of order. There is plenty of time to bring in from the gentleman's committee a bill to rectify this condition. In the last session of Congress we were told that we had not time, and that we had to let these things go. But if the Chair sustains the point of order that this is legislation on an appropriation bill, that will give the Committee on Naval Affairs an opportunity to consider the legislation.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. BEGG. I will be glad to yield.

Mr. GRAHAM of Illinois. Did the gentleman from Ohio hear the statement of the gentleman who offered the amendment to the effect that something had to be done at once to cure an existing condition?

Mr. BUTLER. But it is not in order to legislate on an appropriation bill.

Mr. GRAHAM of Illinois. Suppose we can save something by this, why do you want to interpose an objection, if we can get real economy?

Mr. BEGG. Bring in your legislation in the regular way if you want to meet that situation.

Mr. BUTLER. It will never be reached.

The CHAIRMAN. Does the gentleman from Ohio insist on his point of order?

Mr. BEGG. I do, Mr. Chairman.

Mr. BUTLER. I suggest to the gentleman that he take out the latter part of the amendment and let the first of it stand.

Mr. SANDERS of Indiana. Will the gentleman withhold his point of order for a minute? I want to make a suggestion.

Mr. BEGG. I will withhold it if the gentleman wants to say something, if the Chair cares to have him do that.

The CHAIRMAN. The Chair only asked a question.

Mr. BEGG. I am perfectly willing to withhold the point of order for a moment.

Mr. SANDERS of Indiana. I want to make this suggestion to the chairman of the committee: In view of the fact that there is some question about the wording of this amendment, and

about whether part of it ought not to be left out, why would it not be wise for the chairman of the committee to ask unanimous consent to pass it for the present and bring it up later, after you have had time to go over it?

Mr. KELLEY of Michigan. I will simply say that with further consultation with the chairman of the Naval Committee, and perhaps a little further inquiry, we would be better able to know exactly how far this goes. I have a feeling that it is more than ought to be done.

Mr. BUTLER. The first part of it is all right.

Mr. KELLEY of Michigan. The point of order has been made against it.

Mr. BEGG. It is in reservation.

Mr. KELLEY of Michigan. I ask that the matter may be passed for the present with the point of order reserved.

Mr. BUTLER. And that you have permission to return to it.

Mr. BEGG. That is all right.

Mr. KELLEY of Michigan. I ask unanimous consent that the amendment be considered as pending with the point of order reserved.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the paragraph be passed with the amendment pending, to be returned to later.

Mr. BEGG. And the point of order reserved.

Mr. KELLEY of Michigan. The request was for the purpose of considering this amendment only.

The CHAIRMAN. Is there objection?

Mr. GARRETT of Tennessee. Mr. Chairman, reserving the right to object, I suppose it will be understood that if eventually this point of order is withdrawn, then under the rules of the House other amendments may be offered?

Mr. KELLEY of Michigan. Other amendments to this amendment, if germane and not antagonistic to the rule.

Mr. GARRETT of Tennessee. I do not want to confine it to this one amendment, because I think there is an amendment that possibly may be offered to the amendment if it gets by the point of order.

Mr. KELLEY of Michigan. That is entirely agreeable.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan [Mr. KELLEY]?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAMPBELL of Kansas having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Cravens, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 2185. An act providing for a "Pageant of Progress Exposition" cancellation stamp, to be used by the Chicago post office.

The message also announced that the Vice President had appointed Mr. KENYON and Mr. JONES of New Mexico members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Labor.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Training station, San Diego, Calif.: To complete the development of a permanent training station, San Diego, Calif., \$1,000,000.

Mr. OSBORNE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. OSBORNE: Page 20, line 24, after the figures "\$1,000,000" insert two new paragraphs, as follows:

"The Secretary of the Navy is authorized to accept from the city of Los Angeles, Calif., free from incumbrances and without cost to the United States Government in excess of \$1, a certain tract of land in the harbor of Los Angeles, Calif., containing 225 acres, more or less, for use as a site for a naval submarine base.

"Naval submarine base, Los Angeles Harbor (San Pedro), Calif.: Toward development of a submarine base, \$1,000,000."

Mr. OSBORNE. Mr. Chairman, the subject of the naval defense on the Pacific coast has occupied the attention of thoughtful people and of naval officers for the last five years. About five years ago Congress authorized a commission consisting of naval men to examine the naval defenses of the country. This commission reported to Congress, I think, just about five years ago and recommended particularly on the Pacific coast certain works of defense deemed necessary for a proper protection of the coast. The item which I have presented covers a unit of this proposed Pacific coast defense. The city of Los Angeles, owning some very valuable property at Los Angeles Harbor, has tendered this ground amounting to some 225 acres and valued

at a conservative estimate on account of its position at between four and five million dollars.

Mr. LAYTON. Will the gentleman yield?

Mr. OSBORNE. Yes.

Mr. LAYTON. Did I understand the gentleman to say that the proper naval authorities have surveyed this place—

Mr. OSBORNE. Oh, yes.

Mr. LAYTON. And have recommended it as one of the units of the Pacific coast defense?

Mr. OSBORNE. That is the fact, and it is to carry out the plan that my amendment is offered. I will state that in another legislative body which had the bill under consideration in the last Congress this item was placed in the bill so far as the work of the committee reporting the bill could put it in the bill. It is a part of the bill as presented at the other end of the Capitol. I rather anticipated a point of order on this item, and I present it for the reason that I do not wish it to be said when it may possibly come back to this House in some form—I do not want it to be said that we defaulted in any way in bringing this very serious matter to the attention of this branch of Congress.

Mr. Chairman, the Pacific coast is becoming more and more important to the general welfare of the United States. It has no sea defense whatever, and this item is one of those of several extending from Puget Sound to the Mexican line whereby we hope to place the Pacific coast in a proper condition of defense in order that it may prevent a possible invasion of the country from abroad. You can not, gentlemen of the Congress, give too great or too earnest attention to this condition of things on the Pacific coast. I am not at all inclined to be agitated or hysterical about it, but it is, to my mind, a question that every Member of this House, on his conscience and his honor, should take into careful and studious consideration. I would be glad if the gentleman from Illinois would withdraw his point of order and permit the amendment to be considered on its merits and passed.

Mr. MADDEN. Mr. Chairman, I make the point of order that it is legislation on an appropriation bill and not warranted by law.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Fuel and transportation: Coal and other fuel for steamers' and ships' use, including expenses of transportation, storage, and handling the same; maintenance and general operation of machinery of naval fuel depots and fuel plants; water for all purposes on board naval vessels; and ice for the cooling of water, including the expense of transportation and storage of both. \$17,500,000: *Provided*, That \$1,000,000 of this appropriation shall be available for use, in the discretion of the Secretary of the Navy, in mining coal or contracting for the same in Alaska, the transportation of the same, and the construction of coal bunkers and the necessary docks for use in supplying ships therewith; and the Secretary of the Navy is hereby authorized to select from the public coal lands in Alaska such areas as may be necessary for use by him for the purposes stated herein.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word in order to get some information which was not furnished in the Committee on Appropriations, as to what was done in regard to utilizing the Alaskan coal fields for the Navy.

Mr. KELLEY of Michigan. This appropriation of \$1,000,000 has been carried in every naval bill for the last five years, but has never been expended.

Mr. STAFFORD. Has not any part of it been used? It was argued years ago when the Government launched upon the extravagant and expensive project of building the Alaskan railroad to Fairbanks that it would enable the naval department to reach the Matanuska coal fields, which would be of great value to the Navy.

Mr. KELLEY of Michigan. A very small amount has been used in experimenting with coal that has been found up there, and some little amount has been used in trying to determine the extent of the coal beds.

Mr. STAFFORD. The original argument advanced by the naval department in favor of building the railroad was that this would be of great advantage to the Navy, to induce Congress to launch into this extravagant proposal.

Mr. KELLEY of Michigan. I was about to say that they would strike a vein which would give promise of being an extensive bed, but it would soon run out—or "pinch out," as they say. But no commercial development of coal has gone forward and no considerable portion of this million dollars has been expended. However, we have kept this sum available.

Mr. STAFFORD. It is merely a camouflage to make people believe that perhaps something may ultimately develop from the Government-owned railroad up there.

Mr. MADDEN. The gentleman from Wisconsin may know that when they first projected this railroad up there they said

that they could build it for \$35,000 a mile, and I predicted that it would cost \$150,000 a mile.

Mr. STAFFORD. That is not uncommon so far as Government estimates are concerned.

Mr. MADDEN. They have not completed the road and they have not reached the Matanuska, or any other coal field, although it was said when the \$35,000,000 were appropriated originally to build the road that it was necessary to invest that amount of money in order that we might be able to coal the American Navy on the Pacific coast. We were then buying coal from England and Wales and paying from \$25 to \$40 a ton for it. It was said that we have the greatest semianthracite coal field at Matanuska that the world ever dreamed of, and that we would be able to bring the coal down there on this railroad to coal the American Navy in the Pacific Ocean, but we have not yet completed the road. We have spent \$35,000,000 and \$10,000,000 more and we will probably be able to spend \$10,000,000 more before the road is finished, and then thirty or forty million dollars more before the coal is reached, and \$50,000,000 more before we get the coal to the Pacific Ocean to coal the fleet.

Mr. STAFFORD. Mr. Chairman, the gentleman has furnished the information desired and I withdraw the pro forma amendment.

The Clerk read as follows:

In all, pay of professors and others, Naval Academy, \$546,350.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 32, line 12, at the end of the line, insert "*Provided*, That no part of this appropriation shall be used for the pay of instruction of midshipmen unless such instruction is for a regular course of a period of four years."

Mr. MADDEN. Mr. Chairman, I reserve the point of order.

Mr. STAFFORD. Mr. Chairman, most of us were surprised this morning to hear from the chairman of the Naval Affairs Committee, and confirmed by the chairman of the subcommittee reporting this bill, that under an amendment, which was of war origin and which had its only purpose to provide officers for the war service, officials of the Navy Department were subverting the purpose of the law by attempting to continue in two years after the war is over. Everyone with the slightest knowledge of college education knows that the last year is the golden year of instruction, and everyone who has the slightest information in respect to instruction at Annapolis knows that these students, a large number of whom enter at the age of 16, are unfitted for the responsibilities of their office in commanding ships even after a four years' training, much less after a three-year term. I think it is the consensus of opinion of this Chamber that the period of instruction should be at least four years, and the only way this House can express itself on that matter is to carry a direction in this bill.

I am not in sympathy with the new idea that appropriation bills, as they leave this House, should carry no legislation. I have heard it suggested by the chairman of the subcommittee that this work is a part of the province of the Committee on Naval Affairs. Well may that Committee on Naval Affairs perform its duty to the limit and bring in a bill here which may pass this House, only to find itself, as has been so frequently instanced, blocked in another body by the objection of one of its Members. Many times it is absolutely necessary for this body to have legislation on an appropriation bill in the form of a rider if it is to have the legislation at all. The history of all appropriation measures for the last decade or two is that on many occasions it is necessary to carry such legislation on appropriation bills. When this naval appropriation bill was presented in its present form to the Senate over 100 amendments proposed by Senators were reported to it. It is now proposed that this body should cease functioning in its legislative capacity, because there is some little rivalry between the legislative committee and the Appropriation Committee. I would suggest, and I suggest it very humbly, that the legislative committee bring in legislation and offer it on this appropriation bill, well-considered legislation, and have it incorporated on this and other bills, so that we can be sure that the legislation expressed by this House will be given some consideration sooner or later before the appropriation bill is passed. It is for that purpose that I offer this amendment.

Mr. MADDEN. Mr. Chairman, I withdraw the reservation, and I desire to say in this connection—

Mr. GARRETT of Tennessee. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The gentleman from Tennessee renews the point of order.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. GARRETT of Tennessee. I do not think it is subject to the point of order, but I desire to ask the gentleman from Wisconsin a question.

Mr. MADDEN. Mr. Chairman, I am in thorough accord with the purpose of the amendment. I was not quite clear at first whether it was subject to the point of order, but I am quite sure now that it is not. I believe that the time has come when the Navy Department and all connected with the Navy Department should realize that they can not put men into the Naval Academy and turn them out at any period they may fix.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARRETT of Tennessee. I think generally we are agreed about that. I do not think this amendment is subject to the point of order, and I expect to withdraw the reservation of the point of order at the proper time, but let me ask this question. Will this amendment stop the practice complained of? The professors and the cadets themselves, if I understand it, have nothing to do with the orders directing their graduation at a fixed time.

Mr. MADDEN. That is what I understand.

Mr. GARRETT of Tennessee. The orders come from somewhere else, not from the professors at the Naval Academy, and are we not in danger of withdrawing the pay from the professors who are not responsible and from the cadets who certainly are not responsible, rather than striking at persons who are responsible? I do not know who they are.

Mr. MADDEN. Mr. Chairman, I suppose that some responsible authority in the Navy Department has directed the course that is about to be pursued in the Naval Academy, and that the boys in the Naval Academy are to be graduated at two and a half or three years instead of four.

It has been said—with what truth I am not able to say—that the purpose of graduating these classes after a short course instead of a four-year course is that there may be more officers in the Navy, and that thereby men in the higher ranks may be able to retain the higher rank. Then it has been said, too, on the other side, that we have a large reserve force of officers in the Navy, that they wish to dismiss them from the service, that because of the desire to dismiss the reserve officers they need to graduate these men in classes sooner than they would otherwise be graduated.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. HUSTED. The gentleman from Wisconsin [Mr. STAFFORD] stated that the fourth year at the Naval Academy was the golden year, and he seems to intimate—at least, I got the impression—that the work of the fourth year was entirely eliminated. Is that true?

Is it not true that possibly some elimination has been compressed in the three years, and the boys at the Naval Academy really do get most of the work of the fourth year?

Mr. MADDEN. Well, I do not know as to that, but I do know this, that a man has to be a very bright man to do in three years what he ought to do in four. If he gets the same training in three years that he gets in four, of course, there could not be any objection to his being turned out as graduated.

Mr. HUSTED. There is some very respectable opinion in the country in favor of reducing the course at universities from four to three years.

Mr. MADDEN. I have not any doubt about that. I believe that, inasmuch as the Treasury of the United States is largely affected by this, and we are concerned on the Appropriations Committee and in the House, I assume, with a charge against the Treasury, that our first and last obligation here is to conserve the finances of the country, and I believe this amendment will conserve it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I did not intend to refer to this matter when the bill was reported to the House, but inasmuch as it has been discussed I want to state the facts as the subcommittee learned them. When the matter was first brought to the attention of the Secretary of the Navy by the gentleman from Alabama, as I recollect, I was rather impressed with the fact that the Secretary of the Navy, Mr. Denby, had not had the matter brought to his attention in a way that induced him to give to it the careful consideration that he would ordinarily have given to it. Later, when the

superintendent of the academy came before us, he stated most positively that he believed it was essential that the midshipmen should have this four years' course, and that was his recommendation. No one will doubt after listening to him that they should have the four years' course. So far as the financial end of it is concerned, to graduate these boys in December does not lessen the expense, because the faculty will remain there—they could not be dismissed—and there is no saving in it. No argument has been advanced in justification of the order, except that the Navy needed more officers, and, therefore, it was necessary to graduate the boys in December instead of waiting until June. I am satisfied it ought not to be done. When the matter was called to the attention of the Secretary, the chairman of the committee [Mr. KELLEY of Michigan] expressed the opinion that this should not be done. The Secretary stated to us that he intended looking into it, and stated it in a way that certainly led me to hope that he would repeal this order, because, of course, he issued the order; it could not be done without his signature. I believe it was presented to him with other matters in the rush of business incident to his taking charge of the department, and that now when he has had the matter called to his attention I feel confident that he is going to repeal it. It may be that I am prejudiced in his favor, but I think well of him, and I feel confident even if this amendment is not adopted that Secretary Denby will upon careful consideration reach the conclusion, so generally held by the Members of the House, that these boys should have the four years' course. The importance of the last year is stressed by the superintendent, who, however, makes it plain that he has nothing to do with the policy of the department in a matter of this kind.

Mr. GARRETT of Tennessee. Mr. Chairman, I am not out of sympathy with the desire to have the four years' course for these young men in the Naval Academy. On the contrary, I am in full sympathy with the proposition, but if we are going to undertake legislatively to do something along that line we must do it in an intelligent legislative way. I am impressed with the thought that the amendment offered by my friend from Wisconsin does not go at the matter in the right way.

Mr. MADDEN rose.

Mr. GARRETT of Tennessee. The paragraph in the bill reads:

In all, pay of professors and others, Naval Academy, \$546,350.

Now, the amendment proposes that no part of that shall be paid to any of these unless they have the four years' course. That is the meaning of the amendment offered by the gentleman from Wisconsin. Well, the professors are not responsible for the order. We know now from the statement made by the gentleman from South Carolina that the Secretary of the Navy is responsible for it. Certainly the cadets are not responsible for it. Are you going to take their pay from them if this order is not revoked by the Secretary of the Navy? I yield to the gentleman.

Mr. MADDEN. Does the gentleman know whether the length of the course is at the option of the Secretary of the Navy, or is not there a law which prescribes the number of years for the course?

Mr. GARRETT of Tennessee. Well, I understand it has been stated in debate that during the war we passed a law, which was not repealed along with other war laws, which conferred upon the Navy Department under orders issued by the Secretary of the Navy—of course, the head of the department—the power to graduate classes—

Mr. MADDEN. Will the gentleman allow me to read the law that he has referred to; it is short?

Mr. GARRETT of Tennessee. Certainly.

Mr. MADDEN (reading)—

That the President be, and is hereby authorized, until August 1, 1921, to reduce, in his discretion, the course of instruction of the United States Naval Academy from four to three years, and to graduate classes which have concluded such reduced course of instruction.

I do not believe under that law he would have the power to issue the order.

Mr. GARRETT of Tennessee. That said August, 1921?

Mr. MADDEN. Yes, sir; that would be next December.

Mr. GARRETT of Tennessee. It is not August, 1921, yet.

Mr. MADDEN. But he proposes to graduate them in December, so that would be after—

Mr. GARRETT of Tennessee. The order perhaps could be issued; perhaps it has been. Did that say Secretary of the Navy or—

Mr. MADDEN. The President.

Mr. BLANTON. Will the gentleman yield?

Mr. GARRETT of Tennessee. Has this order been signed by the President?

Mr. BLANTON. Will the gentleman from Tennessee yield?

Mr. GARRETT of Tennessee. I yield.

Mr. BLANTON. The purpose of this amendment is the only expeditions way the House has of telling the Secretary of the Navy that the Congress does not want this graduation to occur in December. The gentleman does not believe for one minute that after the passage of this amendment, which prevents this \$500,000 becoming available, the Secretary of the Navy would go right ahead and deprive all of these instructors of their money? I think it should have the effect of immediately rescinding this order.

Mr. GARRETT of Tennessee. I do not know about that. I do know it does not seem to me to be a very intelligent thing, when we are attempting to legislate, to withhold money from persons who are not responsible for an order affecting them, in order to bring about a revocation of that order. It does not seem to me to be an intelligent thing to do.

Mr. KELLEY of Michigan. Mr. Chairman, of course the purpose of the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD] is to practically force the Navy Department to rescind the order graduating the 1922 class in December of 1921. As I stated this morning, I think it unwise to shorten the four-year term of the boys at the academy to three years and a half. The Secretary of the Navy, as stated by the gentleman from South Carolina [Mr. BYRNES], discussed this quite frankly with the committee the other day, while it was not strictly a matter over which we had any jurisdiction, and he gave assurance to the committee that he would consider the situation further and determine whether or not, in view of certain suggestions which were made at the time, he would change the order. Of course, I have not any authority whatever, representing the Appropriations Committee, to report a provision of law on this bill requiring the midshipmen at the academy to remain there during the four years. I am not sure but what if they were given intensive work during the summer they might not finish the four-year course which is called for in this amendment by January 1, 1921. The amendment does not say that they shall be required to remain at the academy for the full four years. I am not at all certain that the amendment offered by the gentleman from Wisconsin is so worded as to accomplish the purpose he has in mind.

Mr. STAFFORD. Does not the amendment state a regular course of four years?

Mr. KELLEY of Michigan. A regular course of four years, but it might be held that a regular course of four years might be completed in January, 1921, if intensive study were undertaken during the period ordinarily given over to vacations. I am in hearty accord with the idea that this class should not be graduated ahead of time except for the most weighty of reasons. However, I am rather inclined to think, in view of the short time the Secretary has been in office and has had an opportunity to examine into this matter, that we can very safely, now that the situation has been called to his attention, leave the matter to him.

Mr. BRIGGS and Mr. CHINDBLOM rose.

The CHAIRMAN. To whom does the gentleman from Michigan yield?

Mr. KELLEY of Michigan. I yield first to the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Can the gentleman state whether it is the intention of the department to enroll a new class immediately after December, and consequently have the class graduating about Christmas time ever hereafter?

Mr. KELLEY of Michigan. No. Of course the new class will go in now the 1st of July.

Mr. CHINDBLOM. What about next year?

Mr. KELLEY of Michigan. Not until the following July.

Mr. CHINDBLOM. So there would be vacancies in the academy, then, perhaps for a half year?

Mr. KELLEY of Michigan. I should think there would be.

Mr. BRIGGS. Will the gentleman yield?

Mr. KELLEY of Michigan. I yield.

Mr. BRIGGS. Is there any reason why the House now can not adopt an amendment repealing this act which expires apparently in August?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BRIGGS. Unless the four years is shortened to less time.

Mr. KELLEY of Michigan. Of course, such an amendment as the gentleman suggests would be subject to a point of order on this bill.

Mr. CHINDBLOM. That would not change any order issued.

Mr. BRIGGS. Would it not be well to offer an amendment of that kind, repealing it, and see if anybody would offer a point of order? I do not believe anybody would offer it.

Mr. GARRETT of Tennessee. I suggest to the gentleman from Texas, if he would permit, that, of course, this act would expire on August 1, anyway; and, as suggested by the gentleman from Illinois [Mr. CHINDBLOM], possibly a repeal of the order would be made. Has this order been approved by the President?

Mr. KELLEY of Michigan. I do not know.

Mr. GARRETT of Tennessee. I should judge that the law, as read by the gentleman from Illinois [Mr. MADDEN], had to be approved by the President before it became effective.

Mr. KELLEY of Michigan. The superintendent of the academy testified before the committee that the order had been issued, and I suppose it has been issued in the regular way. Personally I have some doubt as to the legality of shortening the course under the act which expires by limitation on August 1. If the Secretary of the Navy—

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. KELLEY of Michigan. If the Secretary of the Navy or the President could shorten the course under that act for next year by acting now before the law expires they could also for the year following and the year following that, and thereby shorten the course to three and one-half years for an indefinite number of classes. I do not think that was the intention of Congress.

Mr. SUMNERS of Texas. Will the gentleman yield for a question?

Mr. KELLEY of Michigan. Yes.

Mr. SUMNERS of Texas. Does the gentleman know whether since the institution of this three-year course the academy has been crowding its curriculum and that therefore the boys should not be held there for another year? Is there any information on that?

Mr. KELLEY of Michigan. I have not heard that reason advanced.

Mr. BYRNES of South Carolina. If the gentleman will yield, on the contrary, the superintendent says he opposes shortening the term, and that it would be a great misfortune if the boys were not allowed a four-year term.

Mr. STEVENSON. I have in the last day or two had communications from parents of boys at the Military Academy at West Point saying that there was to be a bill introduced to allow them to graduate in December and lobbying me to vote for that bill. Possibly there is a propaganda up here that is endeavoring to have shortened the whole curriculum of those two institutions.

Mr. KELLEY of Michigan. I feel confident that with the unanimity of sentiment that exists in the House respecting this matter, the Secretary of the Navy will give the matter of rescinding the order very serious consideration. I have no authority, of course, to speak for him, but I am satisfied that on a further examination of the question and with a full appreciation of the sentiment of the House the Secretary would be inclined to go a long way toward meeting the views of the House.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. STAFFORD. I presume that the gentleman refers to the unanimity of sentiment that will be reflected in a vote on the amendment.

Mr. KELLEY of Michigan. No; I mean as reflected in the discussion.

Mr. STAFFORD. It would be stronger if we had a unanimous vote on this amendment.

Mr. BANKHEAD. The practical effect of it would be to impose a penalty on the instructors at the Naval Academy for a matter for which they are not responsible and in which they are not at fault.

Mr. KELLEY of Michigan. Probably the practical effect would be the rescinding of the order.

Mr. BANKHEAD. I want to call attention further to the reading of the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD]. It says:

No part of this appropriation shall be used for pay of midshipmen unless such instruction is for the regular course of a period of four years.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. KELLEY of Michigan. I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BANKHEAD. I do not know what the facts are, but I imagine it is possible that some of the instructors down there give instruction to members of more than one class. If this amendment prevailed, some of those instructors who had more than one class would have to make a calculation as to what part of their instruction was given to one class and what part to another and the accounting officer would have to divide up the pay given to these instructors.

Mr. CHALMERS. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. CHALMERS. I want to say that before the gentleman from Michigan became a distinguished statesman he was engaged as a distinguished educator, and he knows and we know that a crowded summer term would in no wise take the place of a senior year. Time is an important element in the education of a young man.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. KELLEY of Michigan. Mr. Chairman, may I have one more minute?

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for one minute more. Is there objection?

There was no objection.

Mr. CHALMERS. I agree with the chairman of the committee, and I agree with the distinguished leader on the other side of the House [Mr. GARRETT of Tennessee] in the idea that we ought not to take any chance in cutting off the students and the professors of this school from the pay roll. As I say, time is an important element in the consideration of this question. I have had some experience in the education of youth, and I have had some opportunity to examine the course of study and curriculum of this institution, and I believe that in the course of study of this academy, particularly in higher mathematics, that a young man of 19 years of age is not mature enough to complete his course of study in a shorter time than that regularly provided, and I think the course of study ought to be maintained at four years.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. CHALMERS. Yes.

Mr. BRIGGS. I want to say that in talking two years ago with one of the instructors at the Naval Academy I was told that instead of shortening the course from four years to three it was the opinion of that gentleman that the course ought to be extended from four to six years, because the course of study had become so complex and the field covered so broad that that length of time was required.

Mr. CHALMERS. I agree with the gentleman.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. BLANTON. If we should defeat this amendment, would not the order go right ahead? The only way we can show our disapprobation in this matter is to pass this amendment.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. KELLEY of Michigan. Mr. Chairman, it is quite possible that the Secretary of the Navy issued this order without looking at the matter from all angles. He has been in office but a few weeks, and a multitude of new matters of great importance have passed over his desk. The Secretary has promised to review this matter, now that it has been brought to his attention. Further, the amendment is so worded that possibly an instructor might have to divide his services among each one of the four classes in order to draw his pay. I think we can very safely, under all the circumstances, leave the matter to the Secretary. If anything further is required, there will be ample time, as it is quite a while before next January, when this class is scheduled at present to graduate. I feel quite sure that the gentleman from Pennsylvania [Mr. BUTLER] is in hearty accord with this view.

Mr. BUTLER. Do not impose any more duties on my committee. I think this debate will reach the ears of the Secretary of the Navy. Do not aim a blow at the boys at Annapolis or threaten to cut their money off for something with which they had nothing to do.

The CHAIRMAN. On this provision there is the reservation of the point of order.

Mr. GARRETT of Tennessee. Mr. Chairman, I withdraw that.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Increase of the Navy, armor and armament: Toward the armor and armament for vessels heretofore authorized, to be available until expended, \$33,000,000.

Mr. MOORE of Virginia. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia: Page 43, after the paragraph ending at line 17, insert the following sentence: "But the President is authorized in his discretion to suspend wholly or partially the expenditure of the sums aggregating \$90,000,000 specified in this and the two next preceding paragraphs if and when under his direction an agreement approved by him is reached or about to be reached for the curtailment of naval construction by the Governments of the United States, Great Britain, and Japan."

Mr. KELLEY of Michigan. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Michigan reserves a point of order on the amendment.

Mr. FISH. Mr. Chairman—

The CHAIRMAN. The gentleman from Virginia [Mr. MOORE] is recognized.

Mr. FISH. A parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Virginia yield for a parliamentary inquiry?

Mr. FISH. The parliamentary inquiry is addressed to the Chair. Is it in order to offer an amendment to the amendment just offered?

The CHAIRMAN. It is, when recognition is secured.

Mr. FISH. At the proper time I desire to offer such an amendment.

Mr. KELLEY of Michigan. I do not waive any rights under the point of order.

Mr. MOORE of Virginia. Mr. Chairman, the purpose of this amendment is not to instruct the President or to lay him under any obligation. If it is adopted it will not diminish any power he possesses. Its purpose is to place a limitation upon the appropriation by increasing the authority of the President and enabling him to suspend the expenditure contemplated should it be found before the \$90,000,000 is expended, or pending its expenditure, that it has been possible to reach an agreement of the three great nations mentioned relative to disarmament. The amendment provides that should an agreement acceptable to the President be effected or in prospect, then he is authorized to stop the construction outlay.

Now, Mr. Chairman, I understand the general rule under which we are acting. I do not contend that the Holman rule has any application, but I invoke the precedents under which it has been held that a limitation upon an appropriation is permissible and does not violate the general rule which forbids legislation on an appropriation bill.

If it should be said that this is a limitation upon the Executive and not upon the appropriation itself, I repeat that it can not be construed in that way. The only thing that it conceivably does is to restrict or restrain the expenditure of the \$90,000,000 in a certain contingency.

Mr. KNIGHT. Will the gentleman yield for a question?

Mr. MOORE of Virginia. Yes.

Mr. KNIGHT. May I ask the gentleman if under the act of 1916 this very power is not conferred upon the President of the United States?

Mr. MOORE of Virginia. It was so stated yesterday; and, of course, before offering this amendment I have very carefully examined that act. It provides that at any time prior to the close of the war—

Mr. KNIGHT. We are still at war, are we not?

Mr. MOORE of Virginia. Yes; we are at war, although in a few days the war may be ended by a joint resolution, and then the provision of the act of 1916 will entirely cease to operate.

Mr. CONNALLY of Texas. Will the gentleman yield right there?

Mr. MOORE of Virginia. Just one moment, and then I will yield to my friend. The act of 1916 authorizes the President to do what? Only one thing: To call a conference of the great powers, this country to be represented in the conference by nine delegates selected by the President, the design of the conference being to bring about the establishment of an international tribunal for the settlement of disputes, and possibly to work a curtailment of armaments.

Mr. KNIGHT. May I ask the gentleman—

Mr. MOORE of Virginia. One thing further, if my friend will permit me. And if he should do all that, if he should convene the conference and get the tribunal established—which we know even if he were to send out his call to the nations to-day is a thing that could not be accomplished for a long

time—even then he could not interfere with an expenditure connected with contracts already made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHINDBLOM. Mr. Chairman, a parliamentary inquiry. Was the gentleman addressing the Chair with reference to the point of order?

The CHAIRMAN. The point of order has not been made.

Mr. KELLEY of Michigan. I reserved the point of order.

Mr. MOORE of Virginia. I had supposed that the point of order was pending.

Mr. KELLEY of Michigan. I make the point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. KELLEY of Michigan. The language of the amendment is very clearly legislation, which is not upon its face designed to bring about a reduction of expenditures. It authorizes the President to suspend wholly or partially the expenditure of the \$90,000,000 mentioned in this and the next two preceding paragraphs if an agreement approved by him is reached or about to be reached for the curtailment of naval construction by the Governments of the United States, Great Britain, and Japan.

The gentleman argued that by withholding \$90,000,000, if in the discretion of the President it should be withheld, would effect a reduction of expenditures. The very opposite probably would be the effect. The withholding of this expenditure would cost the Government many times the amount carried in this bill for broken contracts and canceled obligations into which the Government had under the law fully and completely entered. Of course there would be no claim even upon the part of the gentleman from Virginia that there would be a reduction, unless the President did actually suspend this construction. But the fact is that the suspension of the construction would be quite as expensive as the building of the ships, and there is nothing upon the face of the amendment which would justify the House in assuming that simply because the \$90,000,000 might possibly be withheld from expenditure, the Government would thereby be saved that amount, because these contracts are all awarded. The work is in various stages of completion. Some of the ships are almost completed. We have spent \$550,000,000 upon this program already, and the refusal to spend more would render what we have already spent absolutely valueless; so that instead of a saving, it would be a tremendous loss financially.

The CHAIRMAN. Will the gentleman from Michigan permit an inquiry?

Mr. KELLEY of Michigan. Certainly.

The CHAIRMAN. Is the gentleman familiar with the language of the Hensley amendment?

Mr. KELLEY of Michigan. I think so.

The CHAIRMAN. It reads:

If at any time before the construction authorized by this act shall have been contracted for there shall have been established, with the cooperation of the United States of America, an international tribunal or tribunals competent to secure peaceful determinations of all international disputes, and which shall render unnecessary the maintenance of competitive armaments, then and in that case such naval expenditures as may be inconsistent with the engagements made in the establishment of such tribunal or tribunals may be suspended, when so ordered by the President of the United States.

The inquiry is whether or not the amendment of the gentleman from Virginia does not come within the authorization of that language.

Mr. KELLEY of Michigan. If it please the Chair, I think not. The language the Chair has read I desire particularly to call attention to. "If at any time before the construction authorized by this act shall have been contracted for." In that case there is no expenditure involved which would have to be canceled later on. The President was authorized at any time before the contracts were let to cancel the program. That, of course, would result in a great saving in money to the Government. But the gentleman from Virginia proposes now, after we have spent \$550,000,000 upon the program, to argue to the Chair that by canceling the expenditure of \$90,000,000 we will thereby save money for the Government, notwithstanding the fact that we would lose not only the \$550,000,000 that we have expended but would have to settle with every one of the contractors clear back to the last man.

In my judgment, based on the testimony taken before the committee, to do that we would have to go ahead and put up by taxation as much money as we will be called upon to pay to finish the ships, and then not have anything to show for the expenditure. The gentleman from Virginia can not argue with any force that because his amendment might possibly reduce the sum total of the bill by \$90,000,000 that, therefore, the expenditures of the Government had been reduced; on the contrary, they would be vastly augmented.

Mr. BLACK. Will the gentleman yield?

Mr. KELLEY of Michigan. Certainly.

Mr. BLACK. The present bill provides that none of the \$90,000,000 shall be expended except where contracts have been made or the construction under way. It says, "Provided, No part of this appropriation can be expended except on vessels now being constructed or heretofore contracted for."

Mr. KELLEY of Michigan. That is right.

Mr. BLACK. I am not controverting the gentleman's position, but I can not see what change the Moore amendment would make.

Mr. KELLEY of Michigan. Practically all the ships which were authorized by the 1916 program—in fact, all that the Government desires to complete—have been contracted for. This amendment offered by the gentleman from Virginia provides that the President is hereby authorized to cancel those contracts. How can it be argued that the granting of such authority is not out-and-out legislation? There is not a power that could be conferred on the President by Congress that would be a greater exercise of legislative function than to authorize him to cancel contracts which the Government had legally entered into to the extent of nearly \$1,000,000,000. The amendment is clearly affirmative legislation and not a limitation, and is subject to the point of order.

Mr. HICKS. Mr. Chairman, may I be heard on the point of order? I agree in the view taken by my colleague [Mr. KELLEY] that this is clearly subject to a point of order. I want to qualify what he said in regard to the importance of the reduction of expenditures, which would be the only way that this could go into this bill.

It must show that it is a reduction of the expenditure by one of three ways. The gentleman from Michigan has taken up the view that this will not reduce expenditures. Let me call the attention of the Chair to a decision rendered by Mr. Saunders, of Virginia, one of the ablest parliamentarians the House had a number of years ago. He stated one or two propositions which I think are fundamental and absolutely true, as parliamentary practice goes.

He stated that for legislation to be proper on an appropriation bill it must, of course, show retrenchment; then he states that the reduction must appear as a necessary result, that it must be apparent to the Chair that the amendment will operate of its own force to effect a reduction. Then he goes on further and says that this result must be the necessary result and not a conjectural result or a problematical result.

Now, this proviso says that the President may if he calls this conference have the right to cancel this expenditure. Can anyone say if the President does call a conference what it will determine in relation to the curtailment of armament? It may not be the curtailment of the 1916 program. It may be the curtailment of some future program and therefore not affect the appropriations in this bill by one single dollar.

That is something so problematical as to what this conference might do, even though the provision were adopted, that it does not seem to me that it is competent for the Chair or for this committee to entertain a proposition which would reduce expenditures, even though it were adopted.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. HICKS. Yes.

Mr. BANKHEAD. It seems to me that the gentleman from New York [Mr. HICKS] and the gentleman from Michigan [Mr. KELLEY] on this proposition are making a moot argument, for the reason that the gentleman from Virginia [Mr. MOORE] does not contend that this amendment is germane under the Holman rule, but, on the contrary, he offers it on the assumption that it is a limitation on the appropriation.

Mr. HICKS. I can not agree with the gentleman from Alabama that this is a limitation. It would seem to me to be legislation on an appropriation bill, and the only way it could be justified to be in order is that it reduces expenditures in the Public Treasury.

Mr. BANKHEAD. The gentleman was assuming a position that the gentleman from Virginia did not assume. He never contended that it was a retrenchment.

Mr. HICKS. It seems to me that this is clearly subject to the point of order.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman from New York yield to me?

Mr. HICKS. Yes.

Mr. KELLEY of Michigan. I ask the gentleman from Alabama [Mr. BANKHEAD] if he has carefully read the amendment offered by the gentleman from Virginia, and, if so, whether or not it does not authorize the President to cancel contracts aggregating nearly a billion dollars?

Mr. BANKHEAD. I think that is a fair interpretation of it.

Mr. KELLEY of Michigan. Then how can the gentleman contend that that is not affirmative legislation?

Mr. BANKHEAD. I am not making that contention. I am simply seeking to correct the gentleman from New York [Mr. HICKS] in his argument that the gentleman from Virginia [Mr. MOORE] was relying upon this amendment under the Holman rule.

Mr. HICKS. The gentleman from New York merely assumes that this must be a cancellation of contracts from the very language of the amendment offered by the gentleman from Virginia.

Mr. KELLEY of Michigan. The gentleman from New York was giving three or four reasons why it is subject to the point of order.

Mr. FISH. Mr. Chairman, I would like to point out to the committee that if this amendment be accepted, and if we entered into some agreement with these nations named in the amendment, there would be a very substantial reduction from the \$90,000,000 authorized in the bill. I have listened with some amusement, both to-day and a few months ago when this bill was under consideration, to statements that if we cancel contracts we would not only not save money but that we would lose money. I submit that such an assertion is absurd. There are many ships in course of construction now—take the battle cruisers for example—which are but 2 or 3 per cent completed. I think it is only fair to say that if the Government went to the contractors and said to them, "You have done 3 per cent of the work; how much will you cancel your contract for?" that those contractors would be very willing to talk business like any other contractor and cancel the contract with the Government, whereby the contractor would make a reasonable profit and the Government would make a very substantial saving. This amendment should be in order if it provides any reduction in the expenditure of the ninety million appropriation. It is a fair assertion to make that there will be a reduction on the ships now in course of construction.

The statement has been made that we will lose \$500,000,000 on the 1916 program if this amendment prevails. A large part of our 1916 program is already completed. This \$90,000,000 completes some more, and it is a perfectly fair statement to make that there will be a substantial reduction if this amendment prevails and the President calls into conference England and Japan and they reach an agreement for a substantial reduction of naval armaments.

Mr. MOORE of Virginia. Mr. Chairman, I wish to state my position with reference to this matter so that so far as I am concerned there may be no misunderstanding. I realize that to get the benefit of the Holman rule it must be made to appear that an amendment offered to an appropriation bill must bring about a reduction. Frankly, I do not believe it is sufficient to conjecture that there will be a reduction. It must be evident that a reduction will be accomplished. Therefore I do not base this amendment on the Holman rule, but it places a limitation upon the appropriation, that is to say, a limitation upon the use of the money appropriated. I have looked at the precedents governing that proposition, and I find if a limitation applies to the Executive it is not permissible, but that where, on the other hand, it applies to the appropriation itself, to the money, to the use of the money, then it is permissible, even though it may be conjectured that the amendment might disappoint expectations as to what might or might not be done in the way of saving or not saving.

The cold proposition is this, as I view the matter: The amendment suggests a limitation upon the appropriation contained in the bill. That limitation is created not by ordering the President to do anything or even requesting him to do anything, but by simply vesting in him a discretion to do something in the event he should find that conditions arise, as pointed out in the amendment, justifying action. I have examined the precedents sufficiently to make me confident of the correctness of that view, and I desire to call the attention of the Chair to one of them.

When the naval appropriation bill was under consideration in 1900 there was a clause in the bill, as reported by the committee, providing an appropriation to be expended by the President in his discretion to meet emergencies. A point of order was made and the point of order was overruled. In the discussion of the point of order all of the arguments on the limitation question that we have heard here this afternoon were offered or could have been offered in support of the point of order, but the Chair held that the clause conferring discretion upon the President was only a limitation on the appropriation, and being a limitation that none of the surmises of gentlemen, none of their forebodings as to what might occur, if the President should act this or that way, were to be taken into account; that the simple question to be answered was as to whether the provision on its face constituted or did not constitute a limitation.

Mr. BARKLEY rose.

The CHAIRMAN. Does the gentleman from Kentucky desire to discuss the point of order?

Mr. BARKLEY. Yes; I desire to oppose the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BARKLEY. Mr. Chairman, the gentleman from Michigan and the gentleman from New York have urged as a reason for the point of order that this amendment may not save money to the Government, but, on the contrary, it might result in an increase of the expenditures. With all due respect to the gentleman from Michigan and the gentleman from New York, it occurs to me that the question of whether the cancellation of contracts or the suspension of this expenditure of \$90,000,000 might result in an assertion of claims against the Government by contractors is not a legitimate matter for the Chair to consider in determining the point of order. There is no provision in this amendment for the cancellation of outstanding contracts. This amendment provides a limitation upon the expenditure of the \$90,000,000 involved. The effect of the amendment is that the President of the United States may suspend the expenditure of this \$90,000,000 if and when some sort of arrangement is made between certain nations with respect to disarmament or a reduction of armament. If we are to speculate and if the Chair can speculate in determining a point of order that claims may arise by contractors against the Government growing out of the cancellation of contracts already let, we may on the other hand offset that speculation by assuming that if the contracts are canceled that the amount of money saved to the Government in the future by reason of not having those ships to maintain and appropriate money for would likewise be a saving to the Government on account of the cancellation of the contracts. But I do not think that is legitimate matter for the Chair to consider. The Chair is called upon to determine whether this is a limitation upon the \$90,000,000 involved, not upon the billions or hundreds of millions that have already been contracted for, not upon the \$360,000,000 suggested by the gentleman from Illinois as yet involved in the 1916 program, but whether this amendment is a proper limitation upon this particular \$90,000,000 carried in this bill, and if it is a limitation upon it, it occurs to me it is in order. In other words, the effect of its adoption will be that this amount of money is appropriated for the continuation of the 1916 program subject to the limitation that the President may suspend it under certain circumstances which are set out.

The CHAIRMAN. Will the gentleman permit an inquiry?

Mr. BARKLEY. Certainly.

The CHAIRMAN. What is the limitation that denies the expenditure of this appropriation?

Mr. BARKLEY. The limitation is that the President, if there is a conference, an agreement between certain nations in regard to the reduction of armament, or there is about to be such an agreement, then the President is authorized to suspend this \$90,000,000 expenditure—and the amendment does not say whether there shall be permanent suspension or temporary suspension. It does not absolutely provide that there shall be absolutely nullified all these contracts which have been heretofore let and they shall be canceled, but it merely provides this particular \$90,000,000 shall be suspended if the President should so order, basing the order upon the conditions set out in the amendment.

Mr. MADDEN. Will the gentleman yield?

Mr. BARKLEY. I do.

Mr. MADDEN. It does not provide that it shall be suspended?

Mr. BARKLEY. No.

Mr. MADDEN. As a matter of fact, there is no evidence that it even saves \$90,000,000?

Mr. BARKLEY. Of course, there is no way of predicting that the President would suspend even if an agreement were made, but it is a limitation upon the expenditure subject to the exercise of his discretion.

Mr. FISH. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. FISH. Is it not a fact if the gentleman were building a house and the house is 3 per cent constructed and he wanted to break that contract and he went to the contractor he would save a good deal of money?

Mr. BARKLEY. I think that inquiry is perfectly pertinent if the Chair were to consider that question. It seems to me to be far-fetched to say that if a battleship is half completed and the Government canceled the contract, which it reserves the right to do in all contracts it makes, that it can not agree to terms with the contractor.

Mr. HICKS. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. HICKS. How does the gentleman know that if this agreement takes place that the curtailment of armament would affect the 1916 program? It may be the curtailment of some future program which has nothing to do with this at all.

Mr. BARKLEY. Of course, in that case the suspension would be so far in the future that a new program would have to be provided in some future bill, but we are limiting the expenditure of this particular appropriation, which applies to the 1916 program.

The CHAIRMAN. The time of the gentleman has expired. The Chair is ready to rule.

Mr. MONDELL. Will the Chair hear me for just a moment?

The CHAIRMAN. Is the gentleman opposed to the point of order?

Mr. MONDELL. The gentleman believes the point of order is well taken.

The CHAIRMAN. The Chair will hear the gentleman, although the Chair is ready to rule.

Mr. MONDELL. If the Chair is ready to rule my way, I do not desire to say anything except that in justice to the Chair I think just a word should be said. The gentleman from Kentucky has been making an argument which is not supported by the gentleman from Virginia who offered the amendment. The gentleman from Virginia is well enough versed in parliamentary law to know that his amendment is not in order as a reduction of expenditures because the reduction if any were possible would be entirely problematical. The Chair a moment ago made reference to the Hensley Act. While this is not offered in the usual form of a limitation, it is undoubtedly intended as a limitation under the so-called Hensley Act. So if it can be regarded as a limitation at all, which is doubtful, it could only be so regarded because it was in accordance with the terms of the Hensley Act, and simply provided a limitation if the President did what he is authorized to do under the Hensley Act. This provision does not come within the four corners of the Hensley Act.

Mr. MOORE of Virginia. May I interrupt the gentleman?

Mr. MONDELL. Yes.

Mr. MOORE of Virginia. The gentleman has stated his view very clearly that this as a limitation, if it can be so regarded, can not be founded on the Hensley Act.

Mr. MONDELL. No; and unless it can, it has no standing in court whatever.

Mr. MOORE of Virginia. That is where I respectfully take issue with the gentleman.

Mr. MONDELL. Does the gentleman claim that it comes within the Hensley Act?

Mr. MOORE of Virginia. No, sir. I am claiming that without regard to the Hensley Act it expresses a limitation upon this appropriation of \$90,000,000.

Mr. MONDELL. If the Chair will allow me, the gentleman agrees that his amendment is not founded upon the Hensley Act. Clearly this is not a limitation allowable under the rule, unless the President has authority to do what it is proposed to have him do in the so-called limitation. Unless the President has authority to secure an agreement by the Governments of the United States, Great Britain, and Japan relative to the curtailment of naval construction, then clearly this provision is not in order as a limitation. The gentleman from Virginia [Mr. Moore] is quite right that it does not come within the Hensley Act, because the Hensley Act does not provide for any such understanding or arrangement as is proposed or suggested here. That act provides that if at any time before the construction authorized by the act the President shall take certain action, then and in that event there may be a curtailment of the construction. But the program is well under way; all parts are either under contract or in construction. We have long since passed the point where the Hensley Act, or that provision of it, operates. The earlier section of the Hensley Act is a general declaration of policy to adjust and settle international disputes through mediation and arbitration, and provides for the appointment of commissioners to a conference embracing all the great Governments of the world, called to do certain things, and empowered not merely to pass upon questions of naval armament but upon all questions properly coming before an arbitration tribunal. There is no such organization suggested or proposed in this limitation.

Mr. COCKRAN. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. COCKRAN. I would like to ask the gentleman from Wyoming [Mr. MONDELL], the leader of the House, if he doubts that the President has power to make an agreement with foreign nations regardless of any act? He has inherent constitutional power to enter into agreements, subject, of course, to ratification by the legislative body.

Mr. MONDELL. I am not discussing that. There is law on the subject, the Hensley statute—

Mr. COCKRAN. Which law? Does the gentleman mean the Hensley Act?

Mr. MONDELL. The Hensley amendment to the naval bill, which authorizes the President to do certain things.

Mr. COCKRAN. Surely the gentleman will agree that the Hensley Act simply provides the machinery by which the President can put in force one of his executive powers; but, supposing he put that power in force without any assistance from this act, he would still be within his constitutional right?

Mr. MONDELL. Would that be true or not?

Mr. COCKRAN. I am merely putting the question.

Mr. MONDELL. When the Congress proceeds under the guise of a limitation to authorize or direct the President to do certain things, the Congress is legislating, and legislation is not ordinarily in order on an appropriation bill.

Mr. COCKRAN. Quite true. If I understood the gentleman's objection to this particular amendment, it was that it was not based upon the Hensley Act, and it was only through the Hensley Act that the President could perform this duty upon which this reduction was made contingent?

Mr. MONDELL. If there is no act authorizing the President to do this thing, and the Congress proceeds to give him authority and direction to do it, the Congress is legislating, and legislation is not in order on an appropriation bill, except it be in connection with the reduction of expenditures under the Holman rule.

Mr. COCKRAN. May I ask the gentleman if he understands this amendment directs any action on the part of the President? I do not so understand it.

Mr. MONDELL. What this amendment was intended to do was to give the President discretion to suspend construction in a certain contingency provided for in the limitation, if we may refer to it as such.

Mr. COCKRAN. In a certain contingency which is not provided for in the amendment, because the President has the right to do that anyway.

Mr. MONDELL. When we attempt to direct the President to do that we are legislating, unless we are merely invoking authority the President now has.

Mr. COCKRAN. I agree that that is so.

Mr. MONDELL. This can not be considered a limitation, but if it were in the form of a limitation it would not be in order unless it came within the purview of the present law and merely provided for the carrying out of the present law, which it does not do.

The CHAIRMAN. The Chair is ready to rule.

Mr. COCKRAN. Mr. Chairman, may I have the amendment read?

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again read.

The CHAIRMAN. To the amendment just reported the gentleman from Michigan [Mr. KELLEY] makes the point of order.

It is clear to the Chair that the amendment offered by the gentleman from Virginia [Mr. Moore] is not in order under any interpretation or provision of the Holman rule, so called. If it be in order at all, it is because it is a limitation upon an appropriation or appropriations in the bill to which the amendment refers.

In order for a limitation to be in order, in the view of the Chair, it must be clear and definite, and must deny the use of the appropriation or the expenditure of the money to which the amendment refers. In this amendment, however, it is not a specific denial or withholding of the expenditure, but it is in a sense speculative. There is no clear denial of the appropriation, and in the view of the Chair it does not come within that class of provisions which are in order on appropriation bills, and the Chair therefore sustains the point of order.

Mr. CONNALLY of Texas. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: Page 43, line 17, after the figures "\$33,000,000" insert "Provided, however, That this appropriation shall only be available until the President, on behalf of the United States, reaches an agreement with the Governments of Great Britain and Japan for the curtailment or limitation of naval construction or armament."

Mr. KELLEY of Michigan. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. Does the gentleman from Texas [Mr. CONNALLY] desire to be heard on the point of order?

Mr. CONNALLY of Texas. Mr. Chairman, the amendment is offered on the theory that it is a limitation on this particular appropriation. As I understand the rule as to limitations upon an appropriation, the House can attach such conditions to the expenditure of money as it may see fit, because the power either to spend or not to spend contains all the lesser conditions under which it may be spent. If the House should see fit to do so, it could say that no part of this appropriation shall be paid to red-headed men, for instance. It would be rather an absurd provision, and yet that would be a limitation. So this particular amendment provides that this appropriation shall only be available until the President reaches such an agreement.

Now, what do we find? If the House should see fit it could provide that this appropriation can only be available until the 1st of next December or the 1st of next November, if it so desired, because that would constitute a limitation or a condition limiting the manner in which the money might be expended. So this particular amendment, when it provides that this appropriation shall be available for a limited period, is merely attaching a further condition to its expenditure. In other words, it shall only be available during this particular fiscal year unless prior to the expiration of the fiscal year the President reaches an agreement with the Governments of Great Britain and Japan limiting their armament. It becomes the duty of the disbursing officer to ascertain that fact, and if he should so find, the money remains in the Treasury.

Mr. PADGETT rose.

Mr. HICKS. Mr. Chairman, will the gentleman from Tennessee withhold for just a moment?

Mr. PADGETT. Yes.

Mr. HICKS. It was very difficult for some of us to catch the reading of the amendment. I would ask that it be reread.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The amendment was again read.

Mr. PADGETT. I wish to make the additional point of order that it changes existing law. Appropriations under the law are available only for the next fiscal year, and this one makes it available eternally if the President never reaches such an agreement. This says it shall be available until the President reaches such an agreement.

Mr. CONNALLY of Texas. Oh, no.

Mr. KELLEY of Michigan. I make the point of order for the further reason that it is not a limitation as to the use of the money at all. It does not purport to be.

Mr. TOWNER. Mr. Chairman, I desire to make the suggestion that this is in effect exactly the same proposition which was involved in the matter already decided by the Chair. In fact, it ought to be said, and I think ought to be understood, that no limitation can be based upon an indefinite "if." This means that if the President shall call the nations together, and if they agree upon a plan for disarmament, and if the nations thereafter shall sanction such an agreement, and if such a proposition can be called into effect, that then this appropriation shall not be made available.

Mr. BARKLEY. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. BARKLEY. Is it not true that many limitations upon appropriation bills are based upon a contingency that may or may not happen?

Mr. TOWNER. There is one class that may. For instance, they may put into the hands of the President the authority to act. They may say a certain thing may or may not be done, but this depends upon an entirely different contingency.

Mr. BARKLEY. But it is not necessary to do that in this case, because the President already has the authority to do the thing which is the contingency upon which the appropriation shall not be available. But that does not change the situation. The fact is there; the contingency is there. It rests, in fact, upon three or four different contingencies; so that, to my mind, it would be supremely ridiculous to hold that this could be considered as a limitation.

Mr. PADGETT. Mr. Chairman, at the time I made the point of order I did not know that this was limited to an appropriation under the increase of the Navy. That is a continuing appropriation, and is not limited by the fiscal year. Therefore I was in error when I overlooked the fact that the appropriation was limited to the increase of the Navy.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Texas [Mr. CONNALLY] offers an amendment to the paragraph included in lines 15, 16, and 17, the effect of which is that the appropriation shall only be available until the President, on behalf of the United States, reaches an agreement with the Governments of Great Britain and Japan for the curtailment or limitation of naval construction or armament. In the

opinion of the Chair that does not come within the rule as to limitations on an appropriation, and the Chair sustains the point of order.

Mr. CONNALLY of Texas. I want to offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: Page 43, line 17, after the figures "\$33,000,000," insert "Provided, That no part of this sum shall be expended until the President of the United States shall have invited the Governments of all nations to send accredited delegates to an international convention to be held in the United States to consider ways and means of bringing about joint disarmament."

Mr. MONDELL. Mr. Chairman, I make a point of order, and I desire to discuss it briefly.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MONDELL. I may withdraw the point of order, because I do not wish to embarrass the Chair.

The CHAIRMAN. The Chair would suggest that the gentleman need not let that control his action.

Mr. MONDELL. I had some doubt on a previous occasion with regard to the second ruling of the Chair. I believe the judgment of the Chair was in the first instance entirely sound, and that the Chair was rather overpersuaded finally to reverse his judgment in the matter. When the gentleman from Illinois [Mr. Brooks], on the 14th of February last, offered this limitation the Chair made this inquiry:

Does the gentleman from Illinois contend that the President has authority now to invite the Governments of all nations to send delegates to an international convention to be held in the United States with a view to bringing about general disarmament?

To which, after some discussion, the answer was made that in the opinion of the gentleman the President had that authority, and the attention of the Chair was called to the Hensley Act.

Now, the Chair evidently took the position, and very properly, that unless there was some provision of law authorizing the President to send delegates to an international convention to pass upon these questions the item was not in order as a limitation.

The Chair's final decision of the matter was made, I assume, entirely on the theory that what was proposed to be done was authorized by the Hensley Act. I do not think it was. The Hensley Act authorized the President to call an international conference. It did not limit the President's discretion as to the point where that conference should be held. It certainly made no provision for a conference of a limited number of nations. It was a general conference to be held at any point to be determined upon by the President. Believing as I do that the Chair was right when he interrogated the gentleman from Illinois as to whether there was a law authorizing the calling of such a conference, believing further that existing law does not authorize the particular character of conference contemplated by the amendment, I can not believe, or at least I did not believe until the Chair ruled on a former occasion, that the amendment was in order.

The CHAIRMAN. As the gentleman from Wyoming states, a similar amendment was offered on a previous occasion when the present occupant of the Chair was presiding in committee, and after considerable discussion the point of order was overruled. The amendment which is offered, in the view of the Chair, is a limitation upon the appropriation and withholds or denies the expenditure until the President shall have called a conference which, under a fair interpretation in the naval bill of 1916, he is authorized to do. And while it is very close to being a directory provision in the law the Chair is of the opinion now, as he was on a former occasion, that it is within the power, and he overrules the point of order.

Mr. KELLEY of Michigan. Mr. Chairman, a similar amendment to that offered by the gentleman from Texas—in fact, this very amendment—was offered to the bill in the last Congress. We debated it here for a good many hours and, as my recollection goes, it was defeated by a vote of about 5 to 1. The wisdom of the action on that occasion becomes apparent upon the mere reading of the proposal. The pending amendment is worthy of consideration only because it is offered in a good cause, but it would involve that cause in infinite embarrassment and possible defeat. It provides that this money which we are appropriating here—\$90,000,000—shall not be available until the President calls an international conference to consider the question of reduction of armaments. And as soon as he does that, forthwith the limitation is removed and the Government then must go on and spend this money. No more embarrassing situation could be dreamed of than to issue to the nations of the world an invitation to consider the question of disarmament.

ment and thereupon immediately proceed to expend the sum of \$90,000,000 in warship construction. It makes the expenditure of this great sum for war purposes contingent on calling a world conference to consider disarmament. Why, the good faith of America would be immediately challenged, and rightly so, by every nation of the world if upon the assembling of the delegates from Great Britain, from France, from Italy, and Japan the sum of \$90,000,000 was immediately released to carry forward the construction of a great naval program which was made available by the calling of the conference itself. Such action might jeopardize the leadership of America in this great movement and defeat the very ends to be attained. It is certainly a most anomalous proposal.

The world would challenge our good faith. Now we stand foursquare to the world. Every great nation knows that the President is desirous of securing a reduction or limitation of armaments. He has told us over and over again, and only the assent of the balance of the world to that program is necessary.

That being the case, the success of disarmament lies with the other great nations. Will they go forward with us? If so, success is achieved. As stated by the distinguished gentleman from New York [Mr. COCKRAN], America desires to take the lead in reduction of armament. Will the world follow? We have loaned to foreign nations great sums of money. I have never been in favor of nagging them about the time of the repayment of the amount. I believe that the time within which it shall be paid should be fixed with generosity. But when we invite the nations of the world and make our proposals for limiting armaments, thereby lifting this tremendous burden incident to heavy armament, if they say no, if they persist in spending money in keeping up great military establishments, if they have money to spend in maintaining great naval establishments contrary to the wishes of America, it is time for America to call her loans. [Applause.] That is the situation. We want to curtail armament. We want to reduce the naval expenditures. But, remember, it is as important that the reduction when it comes shall come on the right basis. The construction of these ships will make reduction of armament possible, because it puts us in a position where we ourselves can consent to reduction without jeopardizing the security of America. [Applause.]

Many things must be considered in the matter of calling this proposed conference. Just when it can be called with greatest chances of successful action can be safely left to the President. We do not need to crowd action upon him possibly at an inopportune moment. Let the President go forward unhampered by action of overzealous friends of disarmament. Let him work out this great problem. If he can put it through and lift from the shoulders of the nations of the world the enormous burden incident to great military and naval establishments, he will be one of the greatest world benefactors of this or any other age. [Applause.]

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, if this were merely a contest in forensic ability, I would not undertake to discuss the question, following the gentleman from Michigan. I beg to remind the committee, however, that for two days we have been regaled with oratory on both sides of the Chamber, pleading, appealing to the sentiments of the country, to do something toward disarming, to do something to lift from the weary backs of the people of the world the great load of taxation that is crushing them to powder, and to do something to remove from the horizon the threat of war that ever hangs over us as long as we are engaged in this tremendous race for armaments. Yet with the echoes of that oratory still ringing in our ears, upon the first tangible, concrete opportunity that is presented to this House to do something on its written records, rather than with its voice, we find the Republican side of the House using every parliamentary device to defeat even the consideration of measures of that kind. At last, however, driven to the extremity of being forced to vote upon it, we find gentlemen of the Republican side of the House rising in their places and saying that we want to lead the world in disarming, but that to do so we must build the greatest Navy that floats upon the seas, without at the same time requesting them to join in a program of disarmament. I call the attention of gentlemen to the fact that the language of this amendment provides simply that the appropriation for new ships shall not be expendable until when? Until an agreement is reached? No. Until a treaty is secured with foreign Governments and submitted to the Senate for ratification? No. But that this money shall not be available until the President of the United States issues his invitations to the powers of the world to meet in the United States to discuss this dream of which gentlemen prate so much and yet when its realization is offered, when produced in the flesh, hold up their hands in holy horror and say, "Avaunt, we want nothing of you." It

provides that the moment the President of the United States, under the authority of law which he now possesses, issues the invitation to the nations of the world, the money becomes available, and our navy yards and construction plants, on the morrow after the invitation is sent by wireless and by the cables to the world, may go to work, and the hammers and the machines in our factories will go ahead, as the gentleman from Michigan [Mr. KELLEY] said, to build this great Navy, and the President—

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Not now. The gentleman from Illinois [Mr. MADDEN] has the happy faculty of interrupting a gentleman just when he thinks he is most effective. Let me say this to the gentleman from Michigan [Mr. KELLEY]. He appeals to this House not to hamper the President, not to put him in a position where he will go before the other nations of the earth with an abandoned construction program, while they are proceeding to build theirs. But this amendment will aid the President by putting into his hands a great weapon, because he will say, as they gather around the council table, "Gentlemen, I have invited you here to discuss disarmament. We are anxious for it, but I want you to listen out yonder to the sound of the hammers in the navy yards, and to say to you that unless you do disarm the American people are going to insist that those battleships continue to be constructed, and that if you enter into this contest with us, all of the resources, all of the wealth of this great Nation is pledged to the construction of a fleet beside which yours will not compare." Oh, they say, they want to aid the President. All of us want to aid him, and I have no desire to embarrass or hamper the President of the United States. He is my President as well as he is yours, and if he can, as he professes—and I am sure sincerely—bring about the creation of an association of nations for the prevention of wars, and for the limitation of armaments, he will erect in the hearts of his countrymen a more enduring memorial than were he the leader of her successful armies on bloody fields. I want to say that we have now, gentlemen of the Republican side of this House, an opportunity not only to put into words but to put into deeds the things that we have been professing. Does it constitute any embarrassment to the President of the United States to indicate to him that the Congress, representing the people—fresh on the majority side at least from the people—

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. Mr. Chairman, I appeal to new Members who have come to this Chamber for the first time. Will it constitute any reflection upon the President of the United States for you, fresh from your constituencies and breathing sentiments expressed this morning by the gentleman from Ohio [Mr. KNIGHT] and by the other distinguished gentleman from Ohio [Mr. BURTON], who has sat in both bodies of Congress, who delivered an eloquent appeal for disarmament yesterday—do you consider it any reflection upon the President of the United States for the great representative body to express its sentiments on the question of peace or on the question of disarmament?

Why, we express our sentiments here by resolution on a great variety of subjects, but when it comes to this great question that to-day is challenging the attention of the whole civilized world, and to which your President and to which your Senate and to which your House of Representatives are pledged before the bar of public opinion of this country, the voice is, "Hush, do not say anything about that; talk about something else; do not talk about disarmament; go on building your battleships"; and when anybody suggests you call a conference of the powers of the world to discuss that great question, work on the soft pedal; leave it to diplomacy behind closed doors, where the people do not know what happens; but when you bring it out in the sunlight, where the people of the United States may see and hear, do not say a word about it. Wait, wait, wait, until another war comes and takes our boys upon foreign fields and leaves many of them there, and then we will again, as we have done before, discuss the beauties of peace and the beauties of disarmament which we shall all enjoy when we reach the great beyond. Now I shall yield to the gentleman from Illinois.

Mr. MADDEN. The gentleman has passed the point where I desired to interrogate him, but I will answer him in my own time.

Mr. PADGETT. Will the gentleman yield?

Mr. CONNALLY of Texas. I will yield.

Mr. PADGETT. I suggest that our Government is under contract and all this money is obligated, and if we deny appropriations the Government will be subject to damages for breach of promise that will far surpass the amount of money—

Mr. CONNALLY of Texas. I will say to the gentleman from Tennessee that he is as logical as the gentleman from Michigan was this morning, who laid down the broad proposition that if we cancel the building contracts for battleships it will cost more than it would to build them.

Mr. KELLEY of Michigan. Is the gentleman prepared to dispute the correctness of that?

Mr. CONNALLY of Texas. I will say in that event if you can build cheaper than by letting them alone, where do you get all of this cry about the crushing load of militarism and armament?

Mr. KELLEY of Michigan. Well, the gentleman understands that when you have started a ship and made a contract and have furnished the material and it is on the ground—

Mr. CONNALLY of Texas. I will say to the gentleman that my amendment does not stop the building. My amendment only says that when the President—

Mr. KELLEY of Michigan. I am not finding fault with the gentleman's speech. I was finding fault with his criticism of the logic of the facts which I presented.

Mr. CONNALLY of Texas. I will say to the gentleman his logic was good in part, but his premise was at fault.

Mr. KELLEY of Michigan. Perhaps I was overconcerned, but I admire the gentleman too much to like to see him even temporarily in error.

Mr. CONNALLY of Texas. I did not intend to offend the gentleman from Michigan by reference to his logic.

Mr. ROSENBLUM. Will the gentleman yield?

Mr. CONNALLY of Texas. I yield to the gentleman from New York.

Mr. ROSENBLUM. From West Virginia.

Mr. CONNALLY of Texas. The gentleman looked so prosperous that I thought he was from New York. [Laughter.]

Mr. ROSENBLUM. I thank the gentleman for the compliment. However, as one of the newly elected Members who made an appeal on this matter—

Mr. CONNALLY of Texas. I fear the gentleman will not succeed in his appeal, because the leader sits over on that side.

Mr. ROSENBLUM. I understand, but I am here newly elected, succeeding a gentleman of the gentleman's political faith by reason of a slogan we emphasized throughout my district which kept him at home and sent me here, and that slogan was "America first." I think there is opportunity to answer that.

Mr. CONNALLY of Texas. I will say to the gentleman I want America first. If we are going to compete in armament, I want America to have the greatest Navy in the world, but I would much rather my Nation would earn the title "America first" in establishing a great tribunal or association or court that will insure to the nations of the earth the blessings of peace and an arbitrament according to justice and righteousness, than that America should lead that gory procession headed by Alexander, Caesar, and Napoleon, whose monuments are the tombs and the crosses above the bones of millions of soldiers on hundreds of battle fields that scar the fair face of Europe and that of all civilized nations. Mr. Chairman, I realize that gentlemen who are fresh from the people on the Republican side will not respond to my appeal. While they are fresh from the people they are much fresher from the majority leader. [Laughter and applause on the Democratic side.] The majority leader's contact with them is much more recent, and they are not going to vote for disarmament, notwithstanding their feelings in that regard.

Adopt this amendment and let us put into concrete action that for which we say we stand. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GARRETT of Tennessee. Does the gentleman from Michigan [Mr. KELLEY] hope to conclude the bill to-night?

Mr. KELLEY of Michigan. It seems as though we might do so. This provision is the very last thing of any consequence.

Mr. GARRETT of Tennessee. This has been a very oppressive day, and there will be a roll call or two.

Mr. KELLEY of Michigan. I think we can finish in 15 or 20 minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] is recognized for five minutes.

Mr. MADDEN. Mr. Chairman, if oratory was logic the gentleman from Texas [Mr. CONNALLY] would be the leading logician in the United States, for he certainly is eloquent if he is not anything else. But his amendment does not propose dis-

armament. His amendment proposes to embarrass the President of the United States. It proposes to instruct the man elected by the people of the United States to the Presidency in his international obligations under the Constitution. His amendment proposes to insult the nations that may be invited here by the President to discuss peace. He proposes to say to the President that "unless and until you invite the nations of the world to the United States to discuss the question of peace, \$90,000,000 now appropriated for the construction of ships shall not be available, but at the very moment you send the invitation the mill wheels may commence to move and the hammers commence to pound." And you invite these people here under the noise of this construction. You say to them, "We invite you to talk peace; we invite you to listen to our preparations for war."

Mr. BLACK. Will the gentleman yield for a question?

Mr. MADDEN. No; I do not yield just now, thank you.

So the gentleman has no logic either in his argument or in his amendment. The President is authorized by reasons of his being the President to invite the nations of the world—

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. MADDEN (continuing). Under the Hensley Act, to discuss peace, and he ought to be permitted to invite them, if he wants to do so, without any embarrassment. But the gentleman from Texas [Mr. CONNALLY] does not want to permit him to do that without embarrassment.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CONNALLY of Texas. Does the gentleman object to the calling of such a conference?

Mr. MADDEN. No. On the contrary, I believe the gentleman seeks to insult the President by the introduction of his resolution, saying that he can not use \$90,000,000 unless he calls a conference. You want to bribe him to call the conference. Does the gentleman believe that is the way to treat the President? Does he believe that that is the way to treat the people of the world? Does the gentleman believe that that is the way to begin a peace conference between the United States and the other nations of the world? Does the gentleman believe that with the passage of such an amendment, with notice to the world that at the very moment they come here to talk peace we will begin to give evidence of our preparation for war, that the nations of the world would respond under such conditions? No. He knows they would not, and he only wants to embarrass the President. There is no logic, no reason, no justification for the consideration and the adoption of any such amendment to this bill. [Applause.] The President will in due time, in his own way, under the authority vested in him, meet the issues without being coerced into it. His obligations are great, the issues are complex; we should aid not embarrass. This amendment should be defeated. I am sure it will be. [Cries of "Vote!" "Vote!"]

Mr. BLACK. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BLACK. To favor the amendment of the gentleman from Texas [Mr. CONNALLY].

The CHAIRMAN. The Chair will state that all time on the amendment has expired.

Mr. BLACK. I move to strike out the last word.

Mr. KELLEY of Michigan. Will the gentleman yield to me, without interfering with his right?

Mr. BLACK. Very well.

Mr. KELLEY of Michigan. I wonder if we can not arrive at some understanding as to how much time will be needed to finish this amendment.

Mr. BYRNES of South Carolina. I suggest that if there is going to be much debate on it, with the possibility of roll calls following, we should consider going over until to-morrow, if we can do so.

Mr. KELLEY of Michigan. Let us finish this amendment, anyhow, and then we will see where we stand.

Mr. BYRNES of Tennessee. Unless the gentleman is going to move to close debate on this and if the question is going to be discussed, we want half an hour on this side.

Mr. MONDELL. Will the gentleman from Michigan yield?

Mr. KELLEY of Michigan. I do.

Mr. MONDELL. Mr. Chairman, many of the gentlemen had hoped that we would conclude the consideration of this bill this evening, but there seems to be a disposition to discuss the amendment now before us at some length. In view of that fact, it seems to me quite apparent we can not conclude the consideration of the bill until quite a late hour.

I do not think that the business of the House is in such a condition or such a situation where we would be justified in holding the Members of the House here late to-night, so it oc-

curred to me, if the gentleman from Michigan [Mr. KELLEY] agrees, that it might be as well to rise at this time. I will say, however, that to-morrow is Calendar Wednesday, and we expect to have matters possibly from the Committee on the Judiciary before the House to-morrow, and this bill will be taken up again on Thursday morning.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman from Wyoming permit me to ask him a question?

Mr. MONDELL. Certainly.

Mr. GARRETT of Tennessee. I have not seen the calendar. What is the matter expected from the Committee on the Judiciary?

Mr. MONDELL. I do not know definitely what they expect to take up. They have a bill which the House passed at the last session, relative to trade with China, and they have another bill relative to the character of testimony before the United States courts. I think those are the bills they intend to take up.

Mr. KELLEY of Michigan. Mr. Chairman, I had hoped that the discussion was nearly exhausted and that we might finish the bill to-night, the pending amendment being the only amendment of any importance that would be offered. But inasmuch as there are many gentlemen on the other side who wish to discuss the matter further, if the gentleman from Texas [Mr. BLACK] does not care to proceed now—

Mr. BLACK. I would really prefer to speak in the morning—

Mr. KELLEY of Michigan. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 4803) making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes, had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. HIMES, by unanimous consent, was granted leave to withdraw from the file of the House, without leaving copies, the papers in the cases of Lillian B. Swaney, H. R. 13344; Liberty loan subscribers, Mineral City Bank, H. R. 11257; and John S. Ellis, H. R. 5113, Sixty-sixth Congress, no adverse reports having been made thereon.

EXTENSION OF REMARKS.

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on the question of civil service.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD on the subject of civil service. Is there objection?

Mr. MCCLINTIC. Mr. Speaker, I regret that I shall have to object.

The SPEAKER. The gentleman from Oklahoma objects.

LEAVE TO ADDRESS THE HOUSE.

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes to-morrow morning.

The SPEAKER. The gentleman from Ohio asks unanimous consent to address the House for 20 minutes to-morrow morning. Is there objection?

Mr. THOMPSON. I have not asked very much from this House, and I would like to be heard.

Mr. MONDELL. To-morrow is Calendar Wednesday, Mr. Speaker.

Mr. THOMPSON. This is not an unreasonable request.

Mr. MONDELL. I do not think that under the rule, in justice to the House, consent to a request of this kind could be given on Calendar Wednesday. I feel constrained to object.

ADJOURNMENT.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.), the House adjourned until to-morrow, Wednesday, April 27, 1921, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

80. A letter from the Secretary of the Navy, transmitting request for amendment of naval appropriation bill for 1922, to provide for procuring historical pictorial record of the American Fleet in foreign waters; to the Committee on Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ELSTON, from the Committee on Appropriations, to which was referred the joint resolution (S. J. Res. 20) making the sum of \$150,000 appropriated for the construction of a diversion dam on the Crow Indian Reservation, Mont., immediately available, reported the same without amendment, accompanied by a report (No. 19), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ANTHONY, from the Committee on Appropriations, to which was referred the bill (H. R. 5010) making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes, reported the same without amendment, accompanied by a report (No. 20), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN, from the Committee on Agriculture, to which was referred the bill (H. R. 4981) to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, reported the same without amendment, accompanied by a report (No. 21), which said bill and report were referred to the House Calendar.

Mr. GRAHAM of Pennsylvania, from the Committee on the Judiciary, to which was referred the bill (H. R. 28) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes, reported the same with an amendment, accompanied by a report (No. 22), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD, from the Committee on the Judiciary, to which was referred the bill (H. R. 2376) to further amend section 858 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 23), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 2373) to authorize association of producers of agricultural products, reported the same with an amendment, accompanied by a report (No. 24), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KNUTSON, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 5214) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, accompanied by a report (No. 15), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 1489) granting a pension to Annis Tatum; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 1761) for the relief of Ellen M. Willey; Committee on Claims discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 4603) for the relief of F. H. Abbott; Committee on Claims discharged, and referred to the Committee on Expenditures in the Treasury Department.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KNUTSON: A bill (H. R. 5214) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars

other than the Civil War, and to widows of such soldiers and sailors; committed to the Committee of the Whole House.

By Mr. McKENZIE: A bill (H. R. 5215) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War; to the Committee on Military Affairs.

By Mr. WARD of North Carolina: A bill (H. R. 5216) to provide for prompt adjustment of claims against common carriers for loss and damage to freight in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. ECHOLS: A bill (H. R. 5217) providing for the appointment of an additional district judge for the southern judicial district of the State of West Virginia; to the Committee on the Judiciary.

By Mr. ELLIOTT: A bill (H. R. 5218) to correct the position on the Army promotion list of officers appointed under the provisions of the act approved June 4, 1920, and who, during the emergency, held field rank; to the Committee on Military Affairs.

By Mr. HICKS: A bill (H. R. 5219) to create a bureau of aeronautics in the Department of the Navy; to the Committee on Naval Affairs.

By Mr. HILL: A bill (H. R. 5220) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. KNUTSON: A bill (H. R. 5221) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889; to the Committee on Indian Affairs.

By Mr. SUTHERLAND: A bill (H. R. 5222) to provide for the retention by the Government of the property in Seward, Alaska, known as the Alaska Northern Railway office building, and its use for court purposes; to the Committee on the Territories.

By Mr. SWING: A bill (H. R. 5223) to exempt from cancellation certain desert-land entries in Riverside County, Calif.; to the Committee on the Public Lands.

By Mr. MARTIN: A bill (H. R. 5224) authorizing the Secretary of the Navy to certify to the Secretary of the Interior for restoration to the public domain lands in the State of Louisiana not needed for naval purposes; to the Committee on the Public Lands.

By Mr. CLOUSE: A bill (H. R. 5225) to provide for the appointment of a district judge in the middle judicial district of the State of Tennessee, and for other purposes; to the Committee on the Judiciary.

By Mr. HAYDEN: A bill (H. R. 5226) authorizing appropriations for sundry expenditures by the Bureau of Indian Affairs in the State of Arizona; to the Committee on Indian Affairs.

By Mr. TINKHAM: A bill (H. R. 5227) authorizing the Secretary of Commerce to establish in the National Bureau of Standards a division to be known as the division of construction and housing; to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS: A bill (H. R. 5228) levying a tax upon future sales of grain on any market, providing for the collection and dissemination of information as to grain markets, providing a penalty for the violation thereof, and for other purposes; to the Committee on Agriculture.

By Mr. SANDLIN: A bill (H. R. 5229) to provide for a site and public building at Coushatta, La.; to the Committee on Public Buildings and Grounds.

By Mr. TEMPLE: A bill (H. R. 5230) to provide for the completion of the topographical survey of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. MERRITT: A bill (H. R. 5231) to amend the war risk insurance act, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. KNIGHT: Joint resolution (H. J. Res. 85) providing for the appointment of a commission to investigate and report upon naval armament; to the Committee on Naval Affairs.

By Mr. KAHN: Joint resolution (H. J. Res. 86) authorizing the Secretary of War to investigate the claims of private parties to the Mariveles quarry within the limits of a United States military reservation in the Philippine Islands, and to permit the working thereof by the persons entitled thereto, providing military necessities permit; to the Committee on Military Affairs.

By Mr. FISH: Resolution (H. Res. 72) to encourage and promote the teaching of the English language, American history, and civil government in schools, colleges, and universities; to the Committee on Education.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN: A bill (H. R. 5232) for the relief of Ralph C. Whiting; to the Committee on Claims.

By Mr. BLAND of Indiana: A bill (H. R. 5233) granting an increase of pension to James A. Padgett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5234) granting a pension to Robert W. Hayden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5235) granting a pension to Elizabeth Acton; to the Committee on Invalid Pensions.

By Mr. BURROUGHS: A bill (H. R. 5236) authorizing the Secretary of War to donate to the town of Rye, N. H., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. CABLE: A bill (H. R. 5237) granting a pension to Bessie P. Leffel; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 5238) granting a pension to Myra M. Dasher; to the Committee on Invalid Pensions.

By Mr. DEAL: A bill (H. R. 5239) authorizing the Secretary of War to donate to the town of Courtland, State of Virginia, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5240) authorizing the Secretary of War to donate to the town of Princess Anne, State of Virginia, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5241) authorizing the Secretary of War to donate to the city of Suffolk, State of Virginia, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5242) authorizing the Secretary of War to donate to the town of Smithfield, State of Virginia, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5243) authorizing the Secretary of War to donate to the town of Franklin, State of Virginia, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5244) authorizing the Secretary of War to donate to the city of Portsmouth, State of Virginia, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5245) authorizing the Secretary of War to donate to the city of Norfolk, State of Virginia, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5246) for the relief of Cleveland L. Short; to the Committee on Claims.

By Mr. DRANE: A bill (H. R. 5247) authorizing the Secretary of War to donate to the town of Zolfo Springs, State of Florida, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. EDMONDS: A bill (H. R. 5248) for the relief of Ellis Pugh; to the Committee on Claims.

Also, a bill (H. R. 5249) for the relief of Ephraim Lederer; to the Committee on Claims.

Also, a bill (H. R. 5250) for the relief of Herman Schnell; to the Committee on Claims.

Also, a bill (H. R. 5251) for the relief of Ruperto Vilche; to the Committee on Claims.

Also, a bill (H. R. 5252) for the relief of the Kailan Mining Administration, of Tientsin, China; to the Committee on Claims.

Also, a bill (H. R. 5253) for the relief of Creeden & Avery (Ltd.), of Vancouver, Canada; to the Committee on Claims.

By Mr. EVANS: A bill (H. R. 5254) granting a pension to John W. Albrey; to the Committee on Pensions.

By Mr. FENN: A bill (H. R. 5255) for the relief of Lena Donner; to the Committee on Claims.

By Mr. FESS: A bill (H. R. 5256) granting a pension to Samuel M. Griffith; to the Committee on Pensions.

By Mr. FISH: A bill (H. R. 5257) for the relief of George J. Covert; to the Committee on Military Affairs.

By Mr. FOSTER: A bill (H. R. 5258) for the relief of Darius Atkinson; to the Committee on Military Affairs.

By Mr. GREENE of Vermont: A bill (H. R. 5259) for the relief of the heir at law of A. Barker; to the Committee on Claims.

By Mr. HIMES: A bill (H. R. 5260) for the relief of David B. Turnipseed; to the Committee on Military Affairs.

By Mr. HOUGHTON: A bill (H. R. 5261) to correct the muster of William Ramsey; to the Committee on Military Affairs.

By Mr. HUDDLESTON: A bill (H. R. 5262) for the relief of John W. Murphy; to the Committee on Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 5263) granting a pension to W. C. Bennett; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 5264) for the relief of William Thomas Matingley; to the Committee on Military Affairs.

By Mr. KIESS: A bill (H. R. 5265) granting a pension to William Washburn; to the Committee on Pensions.

By Mr. LAMPERT: A bill (H. R. 5266) for the relief of Franklin G. Percival, lieutenant, United States Navy, retired; to the Committee on Naval Affairs.

By Mr. LINEBERGER: A bill (H. R. 5267) for the relief of Alfred Hardy; to the Committee on Claims.

Also, a bill (H. R. 5268) for the relief of Jason J. Green; to the Committee on War Claims.

By Mr. McFADDEN: A bill (H. R. 5269) granting a pension to Anna M. Quinlan; to the Committee on Invalid Pensions.

By Mr. McDUFFIE: A bill (H. R. 5270) for the relief of Maj. Francis M. Maddox, United States Army; to the Committee on War Claims.

By Mr. MAPES: A bill (H. R. 5271) granting a pension to Frances A. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5272) for the relief of Fred E. Hamel; to the Committee on Claims.

By Mr. MORIN: A bill (H. R. 5273) for the relief of Julius Zanone; to the Committee on War Claims.

By Mr. MURPHY: A bill (H. R. 5274) for the relief of William D. McKeefrey; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 5275) authorizing the Secretary of War to donate to the city of Mammoth Springs, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5276) authorizing the Secretary of War to donate to the town of Mount View, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5277) authorizing the Secretary of War to donate to the city of Melbourne, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5278) authorizing the Secretary of War to donate to the city of Searcy, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5279) authorizing the Secretary of War to donate to the city of Heber Springs, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5280) authorizing the Secretary of War to donate to the city of Pocahontas, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5281) authorizing the Secretary of War to donate to the city of Batesville, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5282) authorizing the Secretary of War to donate to the city of Quitman, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5283) authorizing the Secretary of War to donate to the city of Newport, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5284) authorizing the Secretary of War to donate to the city of Williford, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5285) authorizing the Secretary of War to donate to the city of Black Rock, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5286) authorizing the Secretary of War to donate to the city of Walnut Ridge, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5287) authorizing the Secretary of War to donate to the city of Hardy, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5288) authorizing the Secretary of War to donate to the city of Newark, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5289) authorizing the Secretary of War to donate to the city of Brinkley, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5290) authorizing the Secretary of War to donate to the city of Salem, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5291) authorizing the Secretary of War to donate to the city of Clarendon, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5292) authorizing the Secretary of War to donate to the city of Calico Rock, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5293) authorizing the Secretary of War to donate to the city of Evening Shade, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. OSBORNE: A bill (H. R. 5294) authorizing and directing the Secretary of War to make certain donations of ordnance and cannon to designated cities; to the Committee on Military Affairs.

By Mr. PARKS of Arkansas: A bill (H. R. 5295) authorizing the Secretary of War to donate to the town of Prescott, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5296) authorizing the Secretary of War to donate to the town of Arkadelphia, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5297) authorizing the Secretary of War to donate to the town of Camden, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5298) authorizing the Secretary of War to donate to the town of El Dorado, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5299) authorizing the Secretary of War to donate to the town of Hampton, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5300) authorizing the Secretary of War to donate to the town of Lewisville, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5301) authorizing the Secretary of War to donate to the town of Hamburg, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5302) authorizing the Secretary of War to donate to the town of Warren, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5303) authorizing the Secretary of War to donate to the town of Lake Village, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5304) authorizing the Secretary of War to donate to the town of Magnolia, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5305) authorizing the Secretary of War to donate to the city of Hope, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 5306) authorizing the Secretary of War to donate to the town of Washington, State of Arkansas, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. PATTERSON of Missouri: A bill (H. R. 5307) for the relief of William Eller; to the Committee on Military Affairs.

By Mr. PERKINS: A bill (H. R. 5308) authorizing the Secretary of War to donate to the town of North Arlington, State of New Jersey, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. PORTER: A bill (H. R. 5309) for the promotion of Col. Lloyd M. Brett, United States Army, retired; to the Committee on Military Affairs.

By Mr. REBER: A bill (H. R. 5310) for the relief of Claude Mantz; to the Committee on Claims.

By Mr. RODENBERG: A bill (H. R. 5311) granting an increase of pension to Peter Urban; to the Committee on Pensions.

By Mr. ROSENBLUM: A bill (H. R. 5312) granting a pension to Edgar Travis; to the Committee on Pensions.

Also, a bill (H. R. 5313) granting an increase of pension to Oakley Randall; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 5314) granting an increase of pension to George A. Thompson; to the Committee on Pensions.

Also, a bill (H. R. 5315) granting a pension to William D. Wilson; to the Committee on Pensions.

By Mr. SMITHWICK: A bill (H. R. 5316) granting a pension to Ida L. Fay; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 5317) granting an increase of pension to Fanny F. Robertson; to the Committee on Pensions.

By Mr. SPEAKS: A bill (H. R. 5318) for the relief of George W. Allison; to the Committee on Claims.

By Mr. SPROUL: A bill (H. R. 5319) granting a pension to Louisa J. V. Vaughn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5320) to correct the military record of Sylvester De Forest; to the Committee on Military Affairs.

Also, a bill (H. R. 5321) to carry out the findings of the Court of Claims in the case of William M. De Hart; to the Committee on War Claims.

By Mr. STRONG of Pennsylvania: A bill (H. R. 5322) granting an increase of pension to Kate A. Phillips; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 5323) for the relief of J. F. Huddleston; to the Committee on Claims.

Also, a bill (H. R. 5324) for the relief of J. H. Ballinger; to the Committee on Claims.

By Mr. TREADWAY: A bill (H. R. 5325) authorizing the Secretary of War to donate to the town of Ashfield, State of Massachusetts, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. TYSON: A bill (H. R. 5326) to place William H. Armstrong on the retired list of the Army; to the Committee on Military Affairs.

By Mr. WALSH: A bill (H. R. 5327) granting a pension to Abby G. W. Ross; to the Committee on Pensions.

Also, a bill (H. R. 5328) granting an increase of pension to Thomas Kelley; to the Committee on Pensions.

Also, a bill (H. R. 5329) granting an increase of pension to Mary B. Howland; to the Committee on Pensions.

Also, a bill (H. R. 5330) granting an increase of pension to Carrie C. Washburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5331) granting a pension to Annie Casey; to the Committee on Invalid Pensions.

By Mr. WEBSTER: A bill (H. R. 5332) for the relief of James Doherty; to the Committee on Claims.

By Mr. WINSLOW: A bill (H. R. 5333) granting an increase of pension to Antoine Tisdelle; to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 5334) granting a pension to Thomas J. Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5335) granting a pension to Anna B. Mount; to the Committee on Pensions.

By Mr. YOUNG: A bill (H. R. 5336) for the relief of Clara D. Miller; to the Committee on Claims.

By Mr. MOORE of Illinois: A bill (H. R. 5337) authorizing the Secretary of War to donate to the town of Oakland, State of Illinois, one German cannon or fieldpiece; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

307. By Mr. GALLIVAN: Petition of John J. Keefe, of South Boston; James P. Holland and Charles A. Orcutt, of Boston, favoring a revision of the tax laws; to the Committee on Ways and Means.

308. Also, petition of the Macallen Co., of Boston, Mass., favoring a modification of the tariff on mica; to the Committee on Ways and Means.

309. By Mr. MORIN: Petition of South Hill High School, H. E. Winner, principal, Pittsburgh, Pa., urging immediate and favorable action on the Smith-Towner bill; to the Committee on Education.

310. By Mr. BIXLER: Petition of citizens of Franklin, Pa., protesting against the passage of the Fess-Capper bill; to the Committee on Education.

311. By Mr. ARENTZ: Petition of the Indians of the Paiute Tribe of the Walker River Reservation, Nev., urging relief from irrigation of certain lands in Nevada; to the Committee on Irrigation of Arid Lands.

312. By Mr. BIXLER: Petition of citizens of Greeneville, Pa., protesting against the passage of the Fess-Capper bill; to the Committee on Education.

313. By Mr. KING: Petition of A. R. Mathes and 80 other members of the Presbyterian Church of Knoxville, Ill., urging strict enforcement of the liquor laws; to the Committee on the Judiciary.

314. By Mr. LINEBERGER: Petition of a mass meeting of citizens of Los Angeles, Calif., relative to the practice of peonage in the Southern States; to the Committee on the Judiciary.

315. By Mr. BURTNESS: Petition of the Legislature of the State of North Dakota, urging the prosecution of the so-called St. Lawrence-Great Lakes tidewater project; to the Committee on Interstate and Foreign Commerce.

316. By Mr. CURRY: Petition of the Local Fruit Growers and Shippers' League, of Lodi, Calif., favoring the return to former reasonable freight rates; to the Committee on Interstate and Foreign Commerce.

317. By Mr. ARENTZ: Petition of the Annual Convention of the International Mining held at Portland, Oreg., urging the investigation of the Powder Trust, etc.; to the Committee on the Judiciary.

318. By Mr. RAMSEYER: Petition of the General Assembly of the Iowa Legislature, urging the passage of legislation for the improvement of the Great Lakes and St. Lawrence River, etc.; to the Committee on Interstate and Foreign Commerce.

319. By Mr. BIXLER: Petition of citizens of Sharon, Pa., protesting against the passage of the Capper-Fess bill; to the Committee on Education.

320. By Mr. SPEAKS: Papers to accompany House bill 5190, for the relief of Joseph Maier; to the Committee on Claims.

321. By Mr. FOCHT: Papers to accompany House bill 4012, granting a pension to Catharine Miller; to the Committee on Invalid Pensions.

322. Also, papers to accompany House bill 4011, granting a pension to Loretta Butkett; to the Committee on Invalid Pensions.

323. Also, papers to accompany House bill 4013, for the relief of Mrs. Susan Hixson; to the Committee on Invalid Pensions.

324. By Mr. BURROUGHS: Resolution of Mrs. Bessie J. Gray, counselor, Old Glory Council, No. 14, Sons and Daughters of Liberty, Center Barnstead, N. H., indorsing bill to restrict immigration; to the Committee on Immigration and Naturalization.

325. Also, resolution of city council, city of Rochester, N. H., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

326. Also, resolution of Tahanto Division, No. 335, Brotherhood of Locomotive Engineers, Concord, N. H., protesting the passage of the sales tax proposition; to the Committee on Ways and Means.

327. By the SPEAKER (by request): Petition of National Baseball Federation, Cleveland, Ohio, favoring the removal of tax on recreational supplies and equipment; to the Committee on Ways and Means.

328. Also (by request), petition of Asphalt Workers' Local Union, No. 84, San Francisco, Calif., favoring amnesty for all political prisoners; to the Committee on the Judiciary.

329. Also (by request), petition of American Association for the Recognition of the Irish Republic, of Louisiana, with 1,170 signatures, favoring recognition of the Irish republic; to the Committee on Foreign Affairs.

330. By Mr. HADLEY: Petition of J. Steadman Post, No. 24, Grand Army of the Republic, Bellingham, Wash., favoring an increase of pension to all Civil War veterans; to the Committee on Invalid Pensions.

331. By Mr. SINCLAIR: Telegram from Northwestern Division of North Dakota Educational Association assembled in convention at Minot, N. Dak., favoring passage of Smith-Towner bill; to the Committee on Education.

332. By Mr. J. M. NELSON: Petition of sundry citizens of the town of Cobb, Wis., protesting against the Federal aid for highways; to the Committee on Roads.

333. By Mr. KISSEL: Petition of American Association of Engineers (Inc.), New York, urging Federal aid for roads; to the Committee on Roads.

SENATE.

WEDNESDAY, April 27, 1921.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we thank Thee that our times are in Thy hand, and we are sure of their disposition to the glory of Thy name and our highest good. Grant us Thy blessing this morning, and through all the deliberations may Thy wisdom be imparted. Bless our land and its interests, the President, and all for whom we should pray at this time. We ask in Jesus' name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, April 25, 1921, when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. NORRIS presented resolutions of the Legislature of Nebraska, which were referred to the Committee on Commerce, as follows:

STATE OF NEBRASKA.
Secretary of State.

I, Darius M. Amsberry, secretary of state of the State of Nebraska, do hereby certify that the attached is a true, full, and correct copy of senate file No. 23, passed by both houses of the fortieth session of the Nebraska Legislature and approved by Gov. Samuel R. McKelvie, April 14, 1921, at 4 o'clock p. m.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Nebraska. Done at Lincoln this 16th day of April in the year of our Lord 1921 and of the independence of the United States the one hundred and forty-fifth and of this State the fifty-fifth.

[SEAL]

DARIUS M. AMSBERRY,
Secretary of State.